



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1746 OF 2026

The State of Maharashtra Thr. Collector Osmanabad
VERSUS
Bharamanappa Sidramappa Birajdar And Anr

WITH
979 X-OBJECTION NO. 170 OF 2026
IN FA/1746/2026

Bharamanappa Sidramappa Birajdar Died Thr Lrs Sojarbai Died Thr Lrs
Revubai And Ors.

VERSUS
The State Of Maharashtra Through Collector Osmanabad Thr. Collector
Osmanabad And Anr.

...
Mr.Shashikiran Patil & Nandkishor Birajdar. for the Petitioners/Claimants.
Dr.Kalpalata Patil Bharaswadkar, Addl. G.P for the Appellant/State.
Mr.Rahul Tambe for Respndent No.2/Acquiring Body.

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CORAM : MANJUSHA DESHPANDE, J.
DATE : 04.09.2026

PER COURT :

1. This First Appeal filed by the State in which the Cross Objection has been filed by the claimants. According to the learned Addl. G.P as well as the learned Advocate Advocate appearing for the Acquiring Body, confirm that the present Appeal is arising out of the common Judgment passed in the LAR No.411 of 2009. The notification as well as the project mentioned in the order passed in the First Appeal No.2110 of 1019 is one of the same, therefore, similar orders also be passed in the present First Appeal.

2. The First Appeal filed by the State Government against the Judgment and Award dated 17th April, 2010, passed by the Joint Civil Judge Senior Division, Omerga in LAR No.416 of 2009. The Reference Court has determined the compensation for irrigated land at the rate of Rs.40,000/- per acre along with statutory benefit. The claimants land bearing Survey No.25 admeasuring 2H 10R is situated at village Turgaon, Taluka Omerga, District Osmanabad. The land has been acquired for Benitura Medium Project. The notification under Section 4 of the Land Acquisition Act, 1984 was issued on 18th December, 1987 and published in the Gazette on 16th June, 1998. The land acquisition officer has determined the rate of Rs.14,000/- per hectare. Being aggrieved by the said compensation, the claimants has approached the Reference Court for enhancement of compensation. The Reference Court has enhanced the compensation to the rate of Rs.40,000/- per acre.

3. Heard the learned Addl. G.P. as well as the learned Advocate for the Acquiring Body. With their assistance, I have perused the records. The learned Addl. G.P. as well as the learned Advocate for the Acquiring Body submit that the enhancement is exorbitant and, therefore, the Appeal needs to be allowed. It is submitted that the claimants in the other connected Appeals arising out of the same acquisition have been awarded enhanced compensation for the irrigated land at the rate of Rs.1,20,000/- per acre. It is, therefore, submitted that, on the ground of parity, similar benefit needs to be extended to the present Appellants in

the Cross Objection. Copies of the orders passed by this Court in First Appeal Nos.2110 of 2019 and 2111 of 2019, 8th May, 2026, are placed on record and marked as 'X' for identification collectively. A perusal of the order passed by this Court in the Appeals show that the Cross Objection by the respective claimants arising out the same acquisition proceedings for Benitura Medium Project at Turgaon has been allowed by enhancing the compensation for irrigated land at the rate of Rs.1,20,000/- per acre. This position is not disputed either by the learned Addl. G.P. or the learned Advocate for the Acquiring Body. The parties are *ad idem* that the present Appeal also arises out of the same acquisition proceedings, in which enhanced compensation has been awarded to the claimants. This position is also supported by the documents placed on record.

4. In the present case, the land of the claimants is also irrigated land and acquired under the same project and also situated in the same village. This being the position, the claimants are also entitled for compensation at the same rate on the ground of parity. Hence, I pass the following order :

ORDER

- (i) The present First Appeal No.1746 of 2026 filed by the State is dismissed.
- (ii) The Cross Objection No.170 of 2026 filed by the claimants is allowed in terms of Judgment in First Appeals Nos.2110 of 2019 and 2111 of 2019, dated 8th May, 2026, respectively.

(iii) The claimants shall be entitled to the compensation at the rate of Rs.1,20,000/- per acre along with statutory benefits as per the Land Acquisition Land.

(iv) The Claimants shall be entitled to the interest at the rate of 12% per annum, instead of 8% per annum as granted vide paragraph 10 of the operative order of the Reference Court.

(v) The Claimants shall be entitled to the interest from the date of the Award as per Full Bench's Judgment of this Court in the case of ***State Of Maharashtra v. Kailash Shiva Rangari, (2016) 3 Mh LJ 457.***

(vi) The Award passed by the learned Reference Court stands modified accordingly with no order as to costs.

(vii) The Claimants shall pay the deficit court fees, if any.

(viii) The amount of enhanced compensation with statutory benefits be deposited in this Court within a period of six (6) months from today.

(ix) The Claimants will be entitled to withdraw the amount of compensation after the same is deposited by the State.

(x) Pending Civil Application, if any, stands disposed of.

[MANJUSHA DESHPANDE, J.]