



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
904 FIRST APPEAL NO. 699 OF 2017**

Megha Pralhadrao Biradar
VERSUS
The State Of Maharashtra And Ors

**WITH
FIRST APPEAL NO. 5001 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS
Uttam Panditrao Patil And Anr

**WITH
FIRST APPEAL NO. 5075 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS
Gangadhar Bhaurao Jadhav And Ors

**WITH
FIRST APPEAL NO. 5083 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS
Wahedabi Sayyed Lal

**WITH
FIRST APPEAL NO. 2032 OF 2016**

Sadanand Shamrao Valakatte
VERSUS
The State Of Maharashtra And Others

**WITH
FIRST APPEAL NO. 5086 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS

This order is corrected pursuant to speaking to the minutes order dated 5th August 2026.

Jabbar Sayyadlal Sayyad And Anr

**WITH
FIRST APPEAL NO. 5087 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors

VERSUS

Subhash Narshing Kamble And Anr

**WITH
FIRST APPEAL NO. 5082 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors

VERSUS

Sayyed Ismail Sayyed Lal And Ors

**WITH
FIRST APPEAL NO. 1770 OF 2016**

Sangram Ramrao Bhalke

VERSUS

The State Of Maharashtra And Others

**WITH
FIRST APPEAL NO. 1776 OF 2016**

Ramesh Sopan Mogale And Anr

VERSUS

The State Of Maharashtra And Others

**WITH
FIRST APPEAL NO. 1774 OF 2016**

Uttam Panditrao Patil And Anr

VERSUS

The State Of Maharashtra And Others

**WITH
FIRST APPEAL NO. 2031 OF 2016**

Deelip Ramrao Patil And Another

VERSUS

This order is corrected pursuant to speaking to the minutes order dated 5th August 2026.

The State Of Maharashtra And Others

**WITH
FIRST APPEAL NO. 5072 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS
Sikandar Bapurao Holkar

**WITH
FIRST APPEAL NO. 5076 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS
Nagnath Sambhaji Bhalke

**WITH
FIRST APPEAL NO. 5084 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS
Chandrkant Raghunath Jadhav (died) Thr Lrs Sulochanabai And Ors

**WITH
FIRST APPEAL NO. 5089 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS
Afsarbi Sayyadlal Sayyed (died) Thr Lrs Malanbee And Anr

**WITH
FIRST APPEAL NO. 5000 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS
Ramesh Sopan Mogale And Anr

**WITH
FIRST APPEAL NO. 5073 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS

This order is corrected pursuant to speaking to the minutes order dated 5th August 2026.

Daivshala Sriram Tapshalkar

**WITH
FIRST APPEAL NO. 1771 OF 2016**

Hansraj Sopan Kamble Died Thr Lrs Panchasheela And Others

VERSUS

The State Of Maharashtra And Others

**WITH
FIRST APPEAL NO. 691 OF 2017**

Nagnath Sambhaji Bhalke

VERSUS

The State Of Maharashtra And Ors

**WITH
FIRST APPEAL NO. 5088 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors

VERSUS

Sayyed Habib Sayyed Lal

**WITH
FIRST APPEAL NO. 635 OF 2016**

Gangadhar Bhaurao Jadhav And Others

VERSUS

The State Of Maharashtra And Others

**WITH
FIRST APPEAL NO. 666 OF 2017**

Pralahd Ganpatrao Biradar Died Thr Lrs Muktabai And Ors

VERSUS

The State Of Maharashtra And Ors

**WITH
FIRST APPEAL NO. 1773 OF 2016**

Nagnath Sambhaji Bhalke And Others

VERSUS

This order is corrected pursuant to speaking to the minutes order dated 5th August 2026.

The State Of Maharashtra And Others

**WITH
FIRST APPEAL NO. 4994 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS
Sangram Ramrao Bhalke

**WITH
FIRST APPEAL NO. 5080 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS
Sadanand Shamrao Valakatte

**WITH
FIRST APPEAL NO. 1768 OF 2016**

Govind Gunwant Bhalke And Anr
VERSUS
The State Of Maharashtra And Others

**WITH
FIRST APPEAL NO. 5074 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS
Bapurao Narayan Holkar (died) Thr Lrs Awadabai And Anr

**WITH
FIRST APPEAL NO. 1765 OF 2016**

Sambhaji Ganpatrao Kamble
VERSUS
The State Of Maharashtra And Others

**WITH
FIRST APPEAL NO. 4999 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors
VERSUS

This order is corrected pursuant to speaking to the minutes order dated 5th August 2026.

Madhav Gurunath Bhalke And Ors

**WITH
FIRST APPEAL NO. 4992 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors

VERSUS
Madhukar Sopan Gaikwad

**WITH
FIRST APPEAL NO. 1772 OF 2016**

Rasikabai Srirang Kamble And Others

VERSUS
The State Of Maharashtra And Others

**WITH
CIVIL APPLICATION NO. 2498 OF 2022
IN FA/2033/2016**

Venkatrao Namdeorao Kasle And Others

VERSUS
The State Of Maharashtra Through Collector, Latur And Others

**WITH
FIRST APPEAL NO. 4995 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors

VERSUS
Govind Gunwant Bhalke And Anr

**WITH
FIRST APPEAL NO. 4993 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors

VERSUS
Megha Pralhadrao Biradar

**WITH
FIRST APPEAL NO. 4996 OF 2017**

Executive Engineer, (medium Project) Division, Latur And Ors

This order is corrected pursuant to speaking to the minutes order dated 5th August 2026.

VERSUS

Nagnath Sambhaji Bhalke And Ors

WITH

FIRST APPEAL NO. 4991 OF 2017

Executive Engineer, (medium Project) Division, Latur And Ors

VERSUS

Pralhad Ganpatrao Biradar And Anr

WITH

FIRST APPEAL NO. 4997 OF 2017

Executive Engineer, (medium Project) Division, Latur And Ors

VERSUS

Jaiprakash Sanganna Mogale

WITH

FIRST APPEAL NO. 4998 OF 2017

Executive Engineer, (medium Project) Division, Latur And Ors

VERSUS

Sambhaji Ganpatrao Kamble

WITH

FIRST APPEAL NO. 1775 OF 2016

Madhav Gurunath Bhalke And Others

VERSUS

The State Of Maharashtra And Others

WITH

FIRST APPEAL NO. 5081 OF 2017

Executive Engineer, (medium Project) Division, Latur And Ors

VERSUS

Deelip Ramrao Patil And Anr

WITH

FIRST APPEAL NO. 5085 OF 2017

Executive Engineer, (medium Project) Division, Latur And Ors

This order is corrected pursuant to speaking to the minutes order dated 5th August 2026.

VERSUS

Venkiatrao Namdeorao Kasse And Ors

WITH

FIRST APPEAL NO. 2030 OF 2016

Subhash Narsing Kamble And Another

VERSUS

The State Of Maharashtra And Others

WITH

FIRST APPEAL NO. 2033 OF 2016

Venkatrao Namdeorao Kasse And Others

VERSUS

The State Of Maharashtra And Others

WITH

FIRST APPEAL NO. 2034 OF 2016

Chandrakant Raghunath Jadhav Since Deceased Thr Lrs Sulochanabai

Chandrakant Jadhav And Others

VERSUS

The State Of Maharashtra And Others

WITH

FIRST APPEAL NO. 2036 OF 2016

Sikandar Bapurao Holkar

VERSUS

The State Of Maharashtra And Others

WITH

FIRST APPEAL NO. 2037 OF 2016

Afsarbi Sayyadlal Sayyed Since Deceased Through Lrs Malanbee Khadarsab

Jamadar And Anr

VERSUS

The State Of Maharashtra And Others

WITH

FIRST APPEAL NO. 2038 OF 2016

This order is corrected pursuant to speaking to the minutes order dated 5th August 2026.

Jabbar Sayyadlal Sayyad And Khajalal Minor U/g Mother Marembbee
Sayyadlal Sayyad

VERSUS

The State Of Maharashtra And Others

WITH

FIRST APPEAL NO. 2035 OF 2016

Bapurao Narayan Holkar Since Deceased Thr His Lrs Awadabai And Another

VERSUS

The State Of Maharashtra And Others

...

Mr. Ashwin S. Sakolkar a/w H. B. Nandagavale h/f Mr. Vijay G. Sakolkar for
the Appellants.

Mr. D. R. Korde, AGP for State.

Mr. B. R. Surwase for the acquiring body.

....

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 10 JULY 2026

P. C.:

1. Admit.
2. As the acquisition proceeding is of the year 2008, heard finally with the consent of learned counsel for the respective parties.
3. In all these Appeals, the Appellants-original claimants are aggrieved by the judgment and award dated 4th August 2015, passed by learned Jt. Civil Judge Senior Division, Udgir in several LARs, whereby enhanced compensation came to be granted.
4. The lands of the claimants were acquired for construction of Karkheli Storage Tank, Lohara. The possession was taken on 4th April 2007 and 17th October 2007. The notification under Section 4 was published on 27th April

This order is corrected pursuant to speaking to the minutes order dated 5th August 2026.

2007. The award was made on 17th June 2008 and the Petitioner came to know about the award on 23rd June 2008. The LAO granted compensation @Rs.2,20,000/-, Rs.3,30,000/- and Rs.4,40,00/- per hector for dry lands, seasonally irrigated lands and irrigated lands respectively.

5. Mr. Ashwin Sakolkar a/w Mr. H. B. Nandagavale h/f Mr. Vijay Sakolkar, learned counsel for the claimants submit that the LAO granted inadequate compensation against which the claimants preferred references wherein the quantum of compensation came to be enhanced by relying upon sale instances at Exhs.16 to 18. The learned Reference Court erroneously deducted 50% from the sale consideration of sale instance at Exh.16 while determining market value of the lands acquired. He further submits that such excessive deduction is unjust. He contends that the LAO granted meager compensation for the trees. The claimants have proved valuer's report but the Reference Court failed to enhance the compensation as per the market value stated in those reports. Therefore, he submits that the claimants have made out a case for further enhancement in the present Appeals. Hence, he prays to allow the Appeals filed by the claimants and dismiss the Appeals filed by the acquiring body.

6. Mr. Surwase appears for the acquiring body in some matters. Despite service, none appears for the acquiring body in other matters. Upon request, Mr. Surwase appears in other matters on behalf of the acquiring body.

This order is corrected pursuant to speaking to the minutes order dated 5th August 2026.

7. Mr. Surwase, learned counsel appearing for the acquiring body submits that LAO while determining compensation has already referred in all 35 sale instances between the period from 7th January 2005 to 8th March 2007. He further submits that only one claimant has stepped into witness box and rest of the claimants have not proved their case for enhancement as to whether acquired lands were dry, semi irrigated or irrigated and the learned Reference Court ought not to have enhanced the compensation on the basis of sole testimony of one claimant. He therefore, prays to dismiss the Appeals filed by the claimants and allow the Appeals filed by the acquiring body.

8. I have heard learned counsel for the respective parties and gone through record. The claimants had relied upon the sale instance below Exh.16 which discloses that the southern boundary of the land therein is abutting the Renapur road and thus it has facility of road frontage and easy access. Thus, the land in said sale instance fetches higher value, whereas the lands acquired do not have such facility which reduces its value. Therefore, the learned Reference Court reduced 50% from the value of sale consideration of the land in the said sale instance. But while applying such deduction, the learned Reference Court has not given any criteria for such deduction. It has failed to give reason for arriving at deduction of 50% from the value of the sale consideration only upon guesswork. In my opinion, the

deduction of 50% is excessive and impugned award warrant interference to that extent. Thus, I am inclined to partly allow the present Appeals thereby applying deduction of 20% in the sale consideration of the sale instance below Exh.16. Hence, I pass the following order:-

O R D E R

- i. The Appeals filed by the claimants are partly allowed
 - ii. The Appeals filed by the acquiring body are also partly allowed.
 - iii. The claimants are entitled to compensation of Rs.10,48,000/-, Rs.15,72,960/-, Rs.20,97,280/- per hector for dry lands, seasonal irrigated lands and irrigated lands respectively.
 - iv. The claimants are entitled to statutory benefits and interest under Sections 28 and 34 strictly in accordance with Full Bench judgment of this Court in *State of Maharashtra Vs. Kailash Shiva Rangari* (2016(3) Mh.L.J. 457).
 - v. Rest of the order passed by the learned Reference Court stands confirmed.
 - vi. Award be drawn up accordingly.
 - vii. Deficit Court fee be paid.
9. Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE, J.]

This order is corrected pursuant to speaking to the minutes order dated 5th August 2026.