

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 504 OF 2014

Ishwar S/o Neelkanth Kadam
Age-54 years, Occu-Agri.,
R/o. Killari, Tq. Ausa, Dist. Latur

... Appellant
[Orig. claimant]

Versus

The State of Maharashtra
Through the Collector, Latur
Tq. District Latur

... Respondent

**WITH
FIRST APPEAL NO. 508 OF 2014**

Madhav S/o Bali Kadam
Aged: 72 years, Occ: Agril.,
R/o Killari, Tq. Ausa,
Dist. Latur

... Appellant
[Ori. Claimant]

Versus

The State of Maharashtra
Through Collector, Latur
Dist. Latur

... Respondent

**WITH
FIRST APPEAL NO. 509 OF 2014**

Bashir S/o Sikandar Ladaf
Age: 70 years, Occu. Agril.,
R/o Killari Tanda, Tq. Ausa,
District Latur

... Appellant
[Orig. claimant]

Versus

1. The State of Maharashtra
Through Collector, Latur
District Latur
2. The District Resettlement Officer,
Latur ... Respondents

**WITH
FIRST APPEAL NO. 510 OF 2014**

Babruwan S/o Ganpati Bhosale,
Age 48 years, Occu. Agril.,
R/o Killari, Tq. Ausa,
District Latur ... Appellant
[Orig. claimant]

Versus

1. The State of Maharashtra
Through Collector, Latur
District Latur
2. The District Resettlement Officer,
Latur ... Respondents

....

Mr. N. P. Patil Jamalpurkar, Advocate for appellants
Mr. S. N. Kendre, AGP for the State

....

CORAM : R. G. AVACHAT, J.

DATED : 05th OCTOBER, 2021

PER COURT :-

. This group of four first appeals is being decided by this
common order since they are interconnected. The challenge therein

is to the inadequacy in enhancement of compensation granted on account of compulsory acquisition of agricultural lands of the appellants therein. The appeals are sought to be disposed of on the ground of parity i.e. in view of the judgment and order dated 26.02.2010, passed by this Court in First Appeal No. 1001 of 2006 and number of connected appeals.

2. Heard.

The learned Second Ad-hoc Additional District Judge, Latur, by his common judgment and award dated 29.04.2006, decided number of Land Acquisition References. Number of first appeals came to be preferred against the said judgment and award. This Court vide its common judgment and order dated 26.02.2010 allowed those first appeals granting enhancement of compensation at the rate of Rs.1121/- per R, Rs.44,840/- per acre or Rs.1,12,100/- per Hectare with other statutory benefits awarded by the Reference Court.

3. The challenge is to the judgments and awards passed by the learned Joint District Judge, Latur. It is not in dispute that two of the judgments and awards under challenge in these appeals were

decided by the very learned Judge. The appellants herein, however, did not challenge the same at the first instance. After having realised the appeals preferred by other land owners have been allowed granting enhancement in the amount of compensation, the present appeals have been preferred. Undisputedly the lands belonging to the appellants herein and the lands which were the subject matter of the first appeals decided by this Court on 26.02.2010 were subject of the same acquisition proceedings. The appeals herein therefore undisputedly deserve enhancement in the amount of compensation at par with the enhancement granted by this Court in connected appeals.

4. There is, however, another aspect of the matter. The judgment and award impugned in these appeals are dated 24.08.2001 and 29.04.2006. The appellants herein preferred appeals there against along with application for condonation of delay in preferring those appeals. Those applications came to be allowed on 20.12.2013. The appellants herein would therefore not be entitled for component of interest on enhanced compensation from the date of impugned judgments and awards to 20.12.2013.

5. In view of the above, the appeals are allowed in terms of following order:-

ORDER

- (i) The appellants herein be granted compensation at the rate of Rs.1121/- per R, Rs.44,840/- per acre or Rs.1,12,100/- per Hectare with other statutory benefits awarded by the Reference Court, provided the appellants shall not be entitled for interest on the enhanced amount of compensation for the period from the date of impugned judgments and awards to 20.12.2013.
- (ii) Rest of the terms of the impugned award(s) to stand unchanged.

[R. G. AVACHAT, J.]