

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

FIRST APPEAL NO.1241 OF 2013

Raosaheb s/o. Dhondiba Dengale
and anr. ..Appellants
Vs.
State of Maharashtra and anr. ..Respondents

**AND
FIRST APPEAL NO.1259 OF 2013**

Shivaji s/o. Laxman Shinde ..Appellant
Vs.
State of Maharashtra and anr. ..Respondents

**AND
FIRST APPEAL NO.1258 OF 2013**

Mukunda Narsing Jambhaldae,
died, through L.Rs.
Smt. Kashibai w/o. Mukundrao Jadbhaldare
and ors. ..Appellants
Vs.
State of Maharashtra and anr. ..Respondents

Mr. G.K.Sontakke, Advocate for appellants
Mr. S.N.Kendre, AGP for respondent no.1
None present for respondent no.2-acquiring body

**CORAM : R.G. AVACHAT, J.
DATE : SEPTEMBER 29, 2021**

ORDER :-

These appeals are being decided by this common order
since they are interconnected. The challenge in these appeals is to the

judgment and award dated 13.03.2012 passed by the reference Court in three different Land Acquisition References arising out of one and same land acquisition proceedings held for acquisition of lands for resettlement of village Khopegaon (for development of village Gavthan). The appellants herein seek parity in view of the judgment and award passed by the reference court in L.A.R. Nos.215 and 216 of 1998.

2. The lands have been acquired for the purpose of resettlement of village Khopegaon, Tq. and Dist. Latur. Notification under Section 4 of the Land Acquisition Act was issued/published on 14.07.1993. The award was passed on 18.02.1997. The Land Acquisition Officer awarded compensation at the rate of Rs.470/- per R. Having been dissatisfied with the quantum of compensation, the appellants herein preferred land acquisition reference(s). The reference court enhanced the amount of compensation from Rs.470/- per R to Rs.800/- per R. Still, having been not satisfied with the quantum of enhancement of compensation, present appeals have been preferred.

3. Admittedly, the lands belonging to one Dagadu Saheb s/o. Limbaji Dhengale and Balbhim Dhengale were acquired for the

very purpose, for which the lands of the appellants herein have been acquired. The lands of said Dagdu and Balbhim are from very village-Khopegaon. In the very land acquisition proceedings, the lands of the appellants have been acquired. Both Dagadu and Balbhim preferred L.A.R. Nos.215 of 1998 and 216 of 1998, respectively. The reference court, vide its judgment and order dated 03.09.2015, enhanced the amount of compensation granting it at the rate of Rs.28/- per sq. ft. Said judgment and award was challenged by the State/acquiring body in First Appeal Nos.3724 of 2017 and 3725 of 2017. This Court, vide its order dated 18.09.2017, dismissed both the appeals. As such, the amount of compensation at the rate of Rs.28/- per sq. ft. has been confirmed. It has been observed by this Court in the order dated 18.09.2017 that the reference Court has also deducted 60% towards development charges and it appears that the reference court awarded modest compensation. As such, the appellants herein, being similarly placed, are entitled to have compensation at the rate of Rs.28/- per sq. ft.

4. It also appears that the reference court granted interest from the date of notification under Section 4 of the Act. The same is

in breach of the full Bench judgment of this Court in the case of **State of Maharashtra Vs. Kailash Shiva Rangari, 2016(3)Mh.L.J. 457.**

5. In the result, the appeals succeed. Hence, the following order:-

- (i) The appeals are allowed.
- (ii) The appellants be paid compensation at the rate of Rs.28/- per sq. ft.
- (iii) The appellants be paid interest awarded under clause (4) of the impugned award from the date of the award and not from the date of the notification.
- (iv) Rest of the terms of the impugned award to stand unaltered.

[R.G. AVACHAT, J.]

KBP