

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

FIRST APPEAL NO.876 OF 2007

1. Manik Sambhaji Salunke,
Deceased, through L.Rs.
- 1A) Vinayak s/o Manikrao Salunke,
Age 67 years, Occu. Agri.,
R/o Dhanuri, Tq. Lohara,
Dist. Osmanabad
- 1B) Vyankat s/o Manik Salunke,
Age 64 years, Occu. Agri.,
R/o Harali, Tq. Lohara,
Dist. Osmanabad
2. Laxman Maruti Salunke,
Age 89 years, Occu. Agri.,
R/o Dhanuri, Tq. Lohara,
Dist. Osmanabad

... APPELLANTS

VERSUS

1. The State of Maharashtra
through Collector, Osmanabad,
Tq. & Dist. Osmanabad
(Copy to be served on Govt.
Pleader, High Court of Judicature
of Bombay, Bench at Aurangabad)
2. The Special Land Acquisition Officer,
Medium Project, Osmanabad
Tq. & Dist. Osmanabad
3. The Executive Engineer,
Minor Irrigation Department,
Osmanabad,
Tq. & Dist. Osmanabad

... RESPONDENTS

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Shri P.S. Chavan, Advocate for appellants
Shri S.N. Morampalle, A.G.P. for respondents

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WITH

FIRST APPEAL NO.882 OF 2007

1. Bhaurao s/o Bhiva Tigade,
Died through L.Rs.
- 1A) Dagadu Bhaurao Dhangar (Tigade)
Age 67 years, Occu. Agri.
- 1B) Bhagabai Hari Ghodke,
Age 69 years, Occu. Household
- 1C) Sheshabai Bhanudas Gund,
Age 68 years, Occu. Household
- 1-D) Bhamabai Maschindra Hede,
Age 66 years, Occu. Household
- 1-E) Padmini Maschindra Gund,
Age 62 years, Occu. Household
- 1-F) Sukumar Venkat Chivre,
Age 60 years, Occu. Agri.

All R/o Dhanuri, Tq. Lohara,
Dist. Osmanabad

... APPELLANTS

VERSUS

1. The State of Maharashtra
through Collector, Osmanabad,
Tq. & Dist. Osmanabad
(Copy to be served on Govt.
Pleader, High Court of Judicature
of Bombay, Bench at Aurangabad)
2. The Special Land Acquisition Officer,
Medium Project, Osmanabad
Tq. & Dist. Osmanabad
3. The Executive Engineer,

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Minor Irrigation Department,
Osmanabad,
Tq. & Dist. Osmanabad

... RESPONDENTS

.....
Shri P.S. Chavan, Advocate for appellants
Shri S.N. Morampalle, A.G.P. for respondents
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WITH

FIRST APPEAL NO.883 OF 2007

1. Rama @ Ravan s/o Tuka Bankar
Died through L.Rs.

1A) Amrut s/o Rawan Bankar,
Age adult, Occu. Agri.,
R/o Dhanuri, Tq. Lohara,
Dist. Osmanabad

1B) Vasant s/o Rawan Bankar,
Age adult, Occu. Agri.,
R/o Harali, Tq. Lohara,
Dist. Osmanabad

... APPELLANTS

VERSUS

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2. The Special Land Acquisition Officer,
Medium Project, Osmanabad
Tq. & Dist. Osmanabad

3. The Executive Engineer,
Minor Irrigation Department,
Osmanabad,
Tq. & Dist. Osmanabad

... RESPONDENTS

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Shri P.S. Chavan, Advocate for appellants
Shri S.N. Morampalle, A.G.P. for respondents
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WITH

FIRST APPEAL NO.888 OF 2007

1. Dadarao Devba Wadje
Died through L.Rs.
- 1A) Subabai w/o Dadarao Wadje
Age 72 years, Occ. Household,
R/o Dhanuri, Tq. Lohara,
Dist. Osmanabad
- 1B) Chayabai w/o Vasant Dhanure,
Age 37 years, Occu. Household
R/o Harali, Tq. Lohara,
Dist. Osmanabad
- 1C) Meena w/o Govind Dhanure,
Age 34 years, Occu. Household
R/o Harali, Tq. Lohara,
Dist. Osmanabad
2. Vyankat Nagba Wadje,
Died through L.Rs.
- 2A) Shantabai w/o Vyankat Wadje,
Age 62 years, Occu. Household
R/o Dhanuri, Tq. Lohara,
Dist. Osmanabad
- 2B) Trimbak Vyankat Wadje,
Age 37 years, Occu. Agri.,
R/o Dhanuri, Tq. Lohara,
Dist. Osmanabad

... APPELLANTS

VERSUS

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Tq. & Dist. Osmanabad
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2. The Special Land Acquisition Officer,
Medium Project, Osmanabad
Tq. & Dist. Osmanabad
3. The Executive Engineer,
Minor Irrigation Department,
Osmanabad,
Tq. & Dist. Osmanabad

... RESPONDENTS

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Shri P.S. Chavan, Advocate for appellants
Shri S.N. Morampalle, A.G.P. for respondents
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WITH

FIRST APPEAL NO.889 OF 2007

1. Dharma Kadappa Tigade
Died through L.R.
- 1A) Kisan s/o Dharma Tigade,
Died through L.Rs.
- 1A-a) Shahubai Tukaram Landge,
Age 50 years, Occu. Household
- 1A-b) Raubai Vilas Bansode,
Age 45 years, Occu. Household
- 1A-c) Shivram Kisan Tigade,
Age 41 years, Occu. Agri.

All R/o Dhanuri, Tq. Lohara,
District Osmanabad

... APPELLANTS

VERSUS

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Tq. & Dist. Osmanabad
3. The Executive Engineer,
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Osmanabad,
Tq. & Dist. Osmanabad

... RESPONDENTS

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Shri P.S. Chavan, Advocate for appellants
Shri S.N. Morampalle, A.G.P. for respondents
.....

WITH

FIRST APPEAL NO.1016 OF 2007

1. Gana Sidhu Bankar
Died through L.R.
- 1A) Shankar s/o Ganpati @ Gana Bankar,
Age 77 years, Occu. Agri.,
R/o Dhanuri, Tq. Lohara,
Dist. Osmanabad

... APPELLANT

VERSUS

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3. The Executive Engineer,
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... RESPONDENTS

.....
Shri P.S. Chavan, Advocate for appellants
Shri S.N. Morampalle, A.G.P. for respondents
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CORAM : R. G. AVACHAT, J.

Date of reserving judgment : 24th November, 2021

Date of pronouncing judgment : 5th April, 2022

J U D G M E N T :

This group of appeals is being decided by this common judgment and order since common questions of facts and law arise therein. The appeals in this group have been preferred under Section 54 of the Land Acquisition Act, 1894 (for short Act). The appellants herein were the owners of the agricultural lands acquired for Dhanuri Project way back in 1972 accepting amount of compensation offered by the Land Acquisition Officer under protest. The appellants herein had preferred respective Land Acquisition References (L.A.Rs.). The learned Civil Judge, Senior Division, Omurga, vide his common judgment and award dated 8/4/2007, allowed those

references, enhancing the amount of compensation by Rs.250/- per hector. Having not been satisfied with the amount of compensation enhanced by the Reference Court, the present appeals have been preferred for further enhancement.

2. Heard learned counsel for the parties. Perused the impugned judgment and award. Gone through the evidence relied on.

Admittedly, the agricultural lands belonging to the appellants herein were acquired for Dhanuri Project way back in 1972. Notification under Section 4 of the Act was published in August 1971. The award came to be passed in January 1974. Since it was acquisition that dates back in 1970s, the quantum of compensation offered appears to be meagre, that might have, however, been equal to the then market price of the lands acquired.

3. These appeals could very well be disposed of in view of common judgment and award passed by Reference Court on 26/3/1992 in L.A.R. No.126/1983 to 129/1983. Admittedly the lands comprised in those references were situated at very village. Those lands came to be acquired for

the very purpose of Dhanuri Project. Proceeding for acquisition of the lands comprised in those references and the lands – subject matter of the present appeal were one and the same. In view of the principle of parity, the appellants are, therefore, entitled to enhancement in the amount of compensation equal to that of granted by the Reference Court vide its judgment and award dated 26/3/1992 passed in L.A.R. No.126/1983 to 129/1983. The Reference Court granted enhanced compensation @ Rs.3500/- per acre plus all consequential benefits such as 30% solatium and component of interest. Similar treatment needs to be given to the present appeals.

4. In view of the same, the appeals are allowed in terms of the following order :

ORDER

- (i) The amount of compensation granted by the Reference Court in respective Land References is enhanced to Rs.3500/- per acre (inclusive of the amount of compensation offered by the Special Land Acquisition Officer and enhanced by the Reference Court).

- (ii) Rest of the terms of the impugned award to stand unaltered.

**(R. G. AVACHAT)
JUDGE**

fmp/-