

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

1004 FIRST APPEAL NO. 875 OF 2021

- 1] Pandhari s/o. Dashrath Sonwane [Died]
Through L. Rs.
- 1-A. Popat s/o.Pandharinath Sonewane
Age Major, Occ : Agri.
- 1-B. Baba s/o.Pandharinath Sonewane
Age Major, Occ : Agri.
- 1-C. Surekha w/o. Shivling Kharmute
Age Major, Occ : Agri.
- 1-D. Lankabai s/o. Shekhar Hange
Age Major, Occ : Agri.
- 2] Uttareshwar s/o.Dashrath Sonewane
Age Major, Occ : Agri.

All R/o.Tambewadi, Tq. Paranda,
Dist. Osmanabad.

.. Appellants
[Or. Claimants]

VERSUS

- 1] State of Maharashtra,
Through the Collector, Osmanabad.
 - 2] Executive Engineer,
Minor Irrigation Division, Osmanabad
Dist. Osmanabad.
- .. Respondents**

**WITH
FIRST APPEAL NO. 191 OF 2020**

Indirabai w/o.Dagadu Gholve [Died]
Through L. Rs.

1. Smt. Rekha w/o. Baburao Gholve,
Age , Occ : Agri & H.H.
R/o.Tambewadi, Tq. Paranda,
Dist.Osmanabad.
2. Rani w/o.Rajendra Munde,
Age Years, occ.Agri & H.H.
R/o. Barshi, Tq.Barshi,
Dist Solapur.
3. Popat s/o.Baburao Gholave,
Age Years, Occ : Agri.
R/o. Tambewadi, Tq. Paranda,
Dist Osmanabad.
4. Santosh s/o.Baburao Gholve,
Age Years, Occ. Agri.
R/o. As above.

.. Appellants
[Ori. Claimants]

VERSUS

- 1] The State of Maharashtra,
Through the Collector, Osmanabad.
- 2] Executive Engineer,
Minor Irrigation Division, Osmanabad
Dist. Osmanabad.

.. Respondents

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Mr.V.V.Ingale, Advocate for the appellants in both appeals.
Mr.P.M.Kulkarni, AGP for respondent-State in both appeals
Mr.G.B.Rajale, Advocate for respondent no.2 in both
appeals.

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CORAM : S.G.DIGE, J.
DATE : 21.07.2022

ORAL JUDGMENT :

1] Being aggrieved by the common judgment and award dated 1st April, 2010 passed by the Reference Court in LAR Nos.187/1994 and 192/1994, the appellants – original claimants have preferred these Appeals for enhancement of compensation.

2] The lands of the appellants had acquired for Tambewadi medium project. The Notification under Section 4 of the Land Acquisition Act [for short ‘the said Act’] was issued on 31st August, 1989. The award under Section 11 of the said Act was passed on 9th August, 1993. The Special Land Acquisition Officer has granted Rs.16,500/- to Rs.18,500/- per hector. The References were made by the appellants – original claimants for enhancement of the amount before the learned Reference Court at Osmanabad. The Reference Court by judgment and award granted Rs.37,333/- per acre. Dissatisfied with the Judgment and award of the learned Reference Court, the appellants have filed the present Appeals.

3] It is the contention of the learned counsel for the appellants that this Court [Coram : V.K.Jadhav, J.] in connected group of matters has granted Rs.72,000/- per acre by common judgment dated 26.04.2017. The land of the appellants is adjacent to the said land and the same quality, therefore, the appellants are entitled for the same rate on the ground of parity, hence, requested to allow the appeals.

4] The learned counsel for the respondent – acquiring body fairly submitted that this Court has enhanced the compensation in connected matters. The acquiring body has not preferred any appeal against the said judgment, hence, requested to pass the appropriate order.

5] The learned AGP supports the argument of the learned counsel for the respondent – acquiring body.

6] I have heard all the learned counsels. Perused the judgment and award passed by the learned Reference

Court. This Court [Coram : V.K.Jadhav, J.] has enhanced compensation of Rs.72,000/- per acre, by common judgment dated 26th April, 2017. The lands of present appellants are from the same acquisition proceedings. The lands of the appellants are adjacent to the lands for which this Court has enhanced the compensation, hence, this Court cannot take different view. It appears from the record that there is delay for filing the appeal by the appellants, hence, this Court while condoning delay has observed that the appellants are not entitled for the interest and statutory benefits for the delayed period.

7] In view of the above, I pass the following order:-

ORDER

i] The judgment and award passed by the Reference Court in LAR Nos. 187/1994 and 192/1994 are hereby modified in the manner that the claimants are entitled for the compensation for the acquired lands at the enhanced rate of Rs. 72,000/- [Rs. Seventy Two Thousand] per acre with all statutory benefits as awarded by the

Reference Court except for the delayed period as per undertaking given by the appellants.

ii] Award be drawn up as per the above modifications.

iii] Both Appeals are disposed off.

iv] The appellants – original claimants shall pay the deficit court fees within four weeks from the date of this order, if any.

[S.G.DIGE]
JUDGE

DDC