

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

993 FIRST APPEAL NO.2714 OF 2022

MADHAV HANUMANT GAIKWAD (DIED) THR LRS RAJABAI MOTIRAM  
SONWANE  
VERSUS  
THE STATE OF MAHARASHTRA THR COLLECTOR, NANDED AND ORS

...  
Advocate for Appellant : Mr. A.B. Shinde h/f. Mr. S.N. Patil  
AGP for Respondent/State & SLAO : Mr. K.N. Lokhande  
Advocate for Respondent 3/Acquiring Body : Mr. V.P. Narwade  
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994 FIRST APPEAL NO.2716 OF 2022

MOTIRAM S/O HULAJI SONWANE  
VERSUS  
THE STATE OF MAHARASHTRA THR COLLECTOR, NANDED AND ORS

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Advocate for Appellant : Mr. A.B. Shinde h/f. Mr. S.N. Patil  
AGP for Respondent/State & SLAO : Mr. K.B. Jadhavar  
Advocate for Respondent 3/Acquiring Body : Mr. V.P. Narwade  
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996 FIRST APPEAL NO.2739 OF 2022

RAJABAI BHIMRAO JADHAV (DIED) THR LRS MAROTI (DIED) THR LRS  
GINYANBAI MAROTI @ MAROTRAO AND ORS  
VERSUS  
THE STATE OF MAHARASHTRA THR COLLECTOR, NANDED AND ORS

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Advocate for Appellant : Mr. A.B. Shinde h/f. Mr. S.N. Patil  
AGP for Respondent/State & SLAO : Mrs. R.P. Gaur  
Advocate for Respondent 3/Acquiring Body : Mr. S.B. Kadu  
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997 FIRST APPEAL NO.2740 OF 2022

KHAJASAB MAHBOOBSAB  
VERSUS  
THE STATE OF MAHARASHTRA THR COLLECTOR, NANDED AND ORS

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Advocate for Appellant : Mr. A.B. Shinde h/f. Mr. S.N. Patil  
AGP for Respondent/State & SLAO : Mr. K.N. Lokhande  
Advocate for Respondent 3/Acquiring Body : Mr. S.B. Kadu  
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**CORAM : ARUN R. PEDNEKER, J.  
DATED : 26/10/2023**

**PER COURT :**

1. Heard the learned counsel for the parties.
2. By the present first appeals, the appellants/original claimants seek enhancement of compensation for their house property situated in the acquired land. The Reference Court has enhanced compensation at the rate of 2032/- per square meter as against the amount of Rs.1666/- per square meter granted by Land Acquisition Officer for the constructed area and for open space of the house property, Reference Court has enhanced compensation at the rate of Rs.60/- per square meter against of Rs.40/- per square meter.
3. The learned counsel for the appellants has produced common judgment of this Court dated 2.8.2017 passed in **First Appeal No. 669/2015 (Mahetab s/o. Maula Shaikh Vs. The State of Maharashtra & Ors.)** with other connected matters, arising out of the same project i.e. 'Lendi Major Project', wherein this Court has enhanced compensation at the enhanced rate by giving rise of 40% more for constructed area and compensation for the open space at the enhanced rate at rate of Rs.80/- per square meters. The facts in the present writ petitions are identical to the facts in the case cited supra and are arising out of the same notification. The properties are also identically placed in all respects. These facts are not disputed by the learned counsel for the Acquiring Body.
4. In view of the same, applying the judgment delivered by this Court in the case of **Mahetab s/o. Maula Shaikh Vs. The State of Maharashtra & Ors.** and other connected matters, the appellants/claimants are entitled for compensation at the enhanced rate by giving rise of 40% more for

construction costs as against the amount awarded by Land Acquisition Officer and compensation for the open space at the enhanced rate at Rs.80/- per square meter.

5. There is delay in preferring the present appeals. The appellants, therefore, shall not be entitled for component of interest or any other monetary benefit for the period from the date of impugned awards to the date of the registration of these appeals.

6. The Acquiring Body to deposit the amount within 12 weeks from today. Thereafter, the claimants would be entitled to withdraw the same in the proportion as determined by the Reference Court.

7. Appeals are disposed of accordingly in terms of the judgment delivered by this Court in the case of **Mahetab s/o. Maula Shaikh Vs. The State of Maharashtra & Ors.** and other connected matters.

[ARUN R. PEDNEKER J.]

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