



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

215 FIRST APPEAL NO. 808 OF 2010

Vishwanath s/o Mahadeo Mali,
Age 45 years, Occ.Agri.,
R/o Deolai Tq. And Dist.Osmanabad
(Died) Through L.Rs.

- A) Ambubai Vishwanath Mali (Gawali),
Age 65 years, Occ.H.H.
- 1B) Sanjay Vishwanath Mali (Gawali),
Age 49 years, Occ.Agri.,
- 1C) Dinkar Vishwanath Mali (Gawali),
Age 45 years, Occ.H.H.
- 1D) Kamal Uttam Bhojane,
Age 42 years, Occ.H.H.

All R/o Deolai Tq.Dist.Osmanabad.

**.. Appellant
(Original Claimant)**

VERSUS

1. The State of Maharashtra,
Through Collector Osmanabad,
Dist. Osmanabad.
2. The Land Acquisition Officer and
the Deputy Collector, Osmanabad.

..Respondents

...
Advocate for Appellant : Mr. Ingale Vivekanand V.
AGP for Respondents-State : Ms. K. R. Jamdhade
...

**WITH
FIRST APPEAL NO. 2205 OF 2014**

1. The State of Maharashtra,
Through The Collector, Osmanabad.

2. The Land Acquisition Officer and
The Deputy Collector, Osmanabad.

VERSUS

Vishwanath Mahadeo Mali,
Age 50 years, Occupation Agri.,
R/o Deolali Tq. And Dist.
Osmanabad. Died Through L.Rs.

- A) Ambubai Vishwanath Mali (Gawali)
Age 65 years, Occ. H.H.
- 1B) Sanjay Vishwanath Mali (Gawali)
Age 49 years, Occ. Agri.,
- 1C) Dinkar Vishwanath Mali (Gawali)
Age 45 years, Occ.H.H.
- 1D) Kamal Uttam Bhojane,
Age 42 years, Occ. H.H.
All R/o Deolai Tq. And Dist.
Osmanabad.

..Respondents

....
AGP for Appellants-State : Ms. K. R. Jamdhade
Advocate for Respondents : Mr. V. V. Ingale
...

CORAM : ARUN R. PEDNEKER, J.

Dated : February 07, 2024

ORAL JUDGMENT :-

1. The learned Advocate for the claimant has placed on record copy of the Judgment in First Appeal No.861 of 2007, dated 22nd March, 2017, whereby this Court has pleased to consider the First

Appeal No.861 of 2007 and other connected matters and passed the following order :-

"III. The claimants are entitled for compensation at the rate of Rs.11/- per sq. ft. for their acquired lands with all statutory benefits and the judgment and award dated 21/9/2006, passed by the learned Civil Judge, Senior Division, Osmanabad in L.A.R. No.335 of 1996 and 166 of 1997, stand modified accordingly."

2. The learned Advocate for the appellant submits that the present matter would also be covered by the order passed in the above first appeal and other connected matters. The learned AGP does not dispute that the present appeals are identical to the above referred appeal.

3. For the aforesaid reasons, the order passed in the above first appeal and other connected matter would also be applicable to the present appeals. In view of the same, following order is passed :-

ORDER

1) First Appeal No.2205 of 2014 filed by the State is dismissed. No costs.

- 2) First Appeal No.808 of 2010 is partly allowed.
- 3) The claimant is entitled for compensation at the rate of Rs.11/- per sq. ft. for his acquired land with all statutory benefits and the Judgment and award dated 09/12/2009, passed by the learned Civil Judge, Senior Division, Osmanabad, in L.A.R. No.25 of 1997, stand modified accordingly.
- 4) The award be drawn up accordingly.

(ARUN R. PEDNEKER, J.)

vj gawade/-.