



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

212 FIRST APPEAL NO. 1834 OF 2008

1. The State of Maharashtra,
Through : The Collector,
Osmanabad.
2. The Special Lands Acquisition
Officer, Osmanabad.

**..Appellant
(Ori.Respondents)**

VERSUS

Balbhim Baburao Sherkar (Died)
Through L.Rs.

- 1A. Prabhuling Balbhim Sherkar,
Age 60 years, Occ.Agr.,
- 1B. Jayling Balbhim Sherkar (Died)
Through L.Rs.
- 1B-1) Onkar Jayling Sherkar,
Age 28 years, Occ.Agr.,
- 1B-2) Rushikesh Jayling Sherkar,
Age 23 years, Occ.Agr.,
- 1C. Mahesh Balbhim Sherkar,
Age 47 years, Occ.Agr.,

All R/o Osmanabad,
Dist. Osmanabad.

**..Respondents
(Ori.Claimants)**

...
AGP for Appellant-State : Ms. P. R. Bharaswadkar
Advocate for Respondents : Mr. Ingale Vivekanand V.
...

**WITH
X-OBJECTION NO. 87 OF 2023
IN FA/1834/2008**

Balbhim Baburao Sherkar (Died)
Through L.Rs.

- 1A. Prabhuling Balbhim Sherkar,
Age 60 years, Occ.Agr.,
- 1B. Jayling Balbhim Sherkar (Died)
Through L.Rs.

1B-1) Onkar Jayling Sherkar,
Age 28 years, Occ.Agri.,

1B-2) Rushikesh Jayling Sherkar,
Age 23 years, Occ.Agri.,

1C. Mahesh Balbhim Sherkar,
Age 47 years, Occ.Agri.,

All R/o Osmanabad,
Dist. Osmanabad.

**..Objection Petitioner
(Ori.Resp/Claimants)**

VERSUS

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

2. The Special Lands Acquisition
Officer, Osmanabad.

**..Respondents
(Orig.Appellants)**

...
Advocate for Objection Petitioner : Mr. Ingale Vivekanand V.
AGP for Respondents-State : Ms. P. R. Bharaswadkar
...

**WITH CIVIL APPLICATION NO. 1811 OF 2017
IN X-OBJ/87/2023**

CORAM : ARUN R. PEDNEKER, J.

Dated : February 07, 2024

ORAL JUDGMENT :-

1. Heard the learned Advocate representing the respective parties.
2. The learned Counsel for petitioner relies upon the order passed

in First Appeal No.315 of 1994 and other connected matters wherein this Court was pleased to allow the First Appeal No.315 of 1994 filed by claimants and dismissed First Appeal Nos.481 of 2003, 74 of 2010, 75 of 2010, 76 of 2010, 77 of 2010 and 78 of 2010 filed by the State. The said Judgment is also applicable to the facts of the present appeal.

3. Taking into consideration that there is no dispute as regards the land which are acquired in the present first appeal and the lands covered under acquisition in the above first appeals are identical and covered in the same notification for the same project, the claimants are entitled to the benefit of the decision in First Appeal No.315 of 1994 i.e. to enhancement of compensation at the rate of Rs.15/- per square feet and corresponding statutory benefits.

4. For the aforesaid reasons, the order passed in the above First Appeals and other connected matters would also be applicable to the present appeals. In view of the same, following order is passed.

ORDER

- 1) The first appeal filed by the State is dismissed. No costs.
- 2) The Civil Application No.1811 of 2017 is disposed of.
- 3) The cross-objection is allowed.
- 4) The claimants are entitled for compensation at the rate

of Rs.15/- per square feet for his acquired land with all statutory benefits and the Judgment and award dated 13/12/2005, passed by the Civil Judge, Senior Division, Osmanabad in L.A.R.No.380 of 1994, stand modified accordingly.

(ARUN R. PEDNEKER, J.)

vj gawade/-.