



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

FIRST APPEAL NO. 1387 OF 2011
THAMRADHAWJ MADHAV LOKHANDE AND ORS
VERSUS
THE STATE OF MAH AND ORS

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Advocate for Appellants :
Mr. M. P. Kale h/f. Mr. Thombre Bhagwan V.
AGP for Respondent/State: Mr. B. A. Shinde

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WITH
FIRST APPEAL NO. 1540 OF 2011
CHANDAR BABU PAWAR (DIED) LRS NILABAI CHANDRAKANT
PAWAR AND ORS
VERSUS
THE STATE OF MAH AND ORS

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Advocate for Appellants :
Mr. M. P. Kale h/f. Mr. Thombre Bhagwan V.
AGP for Respondent/State: Mr. B. A. Shinde

...

WITH
FIRST APPEAL NO. 3252 OF 2009
BALIRAM SADHU BANKAR
VERSUS
THE STATE OF MAH AND ORS

...

Advocate for Appellants :
Mr. M. P. Kale h/f. Mr. Thombre Bhagwan V.
AGP for Respondent/State: Mr. B. A. Shinde

...

WITH
FIRST APPEAL NO. 1389 OF 2011
RAJENDRA VENKAT LOKHANDE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Appellants :
Mr. M. P. Kale h/f. Mr. Thombre Bhagwan V.
AGP for Respondent/State: Mr. B. A. Shinde
...

WITH
FIRST APPEAL NO. 1388 OF 2011
SHIVAJI SADHU BANKAR
VERSUS

THE STATE OF MAHARASHTRA AND ORS
...

Advocate for Appellants :
Mr. M. P. Kale h/f. Mr. Thombre Bhagwan V.
AGP for Respondent/State: Mr. B. A. Shinde
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 24th APRIL, 2024

PER COURT:

1. Heard.
2. The learned counsel for the appellants submits that the lands of the claimants were acquired for the purpose of construction and rehabilitation of village Ashiv, Taluka – Ausa, District – Latur, on account of the destruction of the village by the earthquake. Section 4 notification was published, on 11.08.1995 and the award was passed, on 15.02.1996. The Land Acquisition Officer has granted compensation at the rate of Rs.420/- per Are. The same was challenged by filing various reference applications by all the claimants.

3. In the instant case, the reference court has awarded compensation for the acquired land at the rate of Rs.1,000/- per Are i.e. equivalent to Rs.1/- per sq. ft. The learned counsel for the appellants contends that the first appeal is covered by the Judgment of this court delivered in the first appeal stamp no.14094 of 2011 and other connected matters decided on 05.04.2013. The learned counsel submits that in connected matters arising out of the same acquisition but in the different reference proceedings, the reference court by order dated 27.04.2007 in L.A.R. No.152 of 1998 and other connected matters has granted Rs.7/- per sq. ft. with deduction of 25% of the plot area towards the road development and open areas and further 15% towards development charges. After deducting the same from the acquired lands, the compensation is granted at the rate of Rs.7/- per sq. ft. The reference court order dated 27.04.2007 has been upheld by this court in the first appeal stamp no.14094 of 2011 and other connected matters.

4. Since, the present proceedings are arising out of the same acquisition as is covered in above first appeal stamp no.14094 of 2011 and for the same purpose and section 4 notification is of the same date and the property is from the same village, the compensation granted in first appeal stamp no.14094 of 2011 is granted in the instant case.

5. In view of the same, it is directed that the first appellants would get the compensation at the same rate as directed in L.A.R. No.152 of 1998 and other connected matters by order dated 27.04.2007 i.e. at the rate of Rs.7/- per sq. ft., after deducting 25% of the plot area towards the road development and open area and further deduction of 15% towards the development charges.

6. As such, the compensation which is made applicable by Judgment dated 27.04.2007 in L.A.R. No.152 of 1998 along with other connected matters is made applicable to the instant case in its entirety except the interest component under section 34 of the Act will have to be computed from the date of the award under section 11 of the Act i.e. 15.02.1996, in view of the judgment of the Hon'ble High Court in the case of State of Maharashtra Vs. Kailash Shiva Rangari, AIR 2016 Bom. 141. The executing court to compute the calculations as directed above.

7. All the first appeals are accordingly disposed of.

[ARUN R. PEDNEKER, J.]

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