



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 626 OF 2015

1. Babu S/o Sangappa Biradar (died)
Through LR.s.
- 1/A. Shalini w/o Babu Birajdar
Age 48 Yrs. Occu. Agril. & H.H.
- 2/B. Rahul s/o Babu Biradar
Age 24 yrs. Occu. Agril. & H.H.
- 3/C. Rohit s/o Babu Birajdar
Age 22 Yrs. Occu. Agril. & H.H.
- 4/D. Rupali w/o Prashant Bhadage
Age 26 Yrs. Occu. Agril. & H.H.

R/o Hanchanal, Tq. Nilanga
Dist. Latur.

.....APPELLANTS
(Orig. Claimants)

VERSUS

1. The State of Maharashtra,
Through the Collector, Latur
2. The Special Land Acquisition Officer,
Purna Project
3. The Executive Engineer,
Minor Irrigation Division,
At Latur.

.....RESPONDENTS

WITH
FIRST APPEAL NO. 628 OF 2015

1. Trambak S/o Ramanna Biradar (Died)
Through LR.s

- 1/A. Jagannath S/o Trambak Biradar,
Age 55 Years, Occu. Agri.
- 2/B. Baswant S/o Sidram Biradar
Age 52 Years, Occu. Agri.
Both R/o: Hanchanal, Tq. Nilanga,
Dist. Latur.

.....APPELLANTS
(Orig. Claimants)

VERSUS

1. The State of Maharashtra,
Through the Collector, Latur
2. The Special Land Acquisition Officer,
Purna Project
3. The Executive Engineer,
Minor Irrigation Division,
At Latur.

.....RESPONDENTS

**WITH
FIRST APPEAL NO. 627 OF 2015**

Vishwanath S/o Sangappa Biradar
Age. Major, Occu. Agri.
R/o Hanchanal. Tq. Nilanga
Dist. Latur.

.....APPELLANT
(Orig. Claimant)

VERSUS

1. The State of Maharashtra,
Through the Collector, Latur
2. The Special Land Acquisition Officer,
Purna Project
3. The Executive Engineer,
Minor Irrigation Division,
At Latur.

.....RESPONDENTS

**WITH
FIRST APPEAL NO. 629 OF 2015**

1. Kashinath S/o Sidram Biradar
Age. Major, Occu. Agri.
2. Baswant S/o Sidram Biradar
Age. Major, Occu. Agri.
3. Gurunath S/o Sidram Biradar
Age. Major, Occu. Agri.
4. Virbhadr S/o Sidram Biradar
Age. Major, Occu. Agri.

All R/o. Hanchanal, Tq. Nilanga,
Dist. Latur.

.....APPELLANTS
(Orig. Claimants)

VERSUS

1. The State of Maharashtra,
Through the Collector, Latur
2. The Special Land Acquisition Officer,
Purna Project
3. The Executive Engineer,
Minor Irrigation Division,
At Latur.

.....RESPONDENTS

Mr. G. K. Sontakke, Advocate for the appellants
Mr. A. A. A. Khan, AGP for the respondent-State
Mr. N. L. Jadhav, Advocate for the respondent no.3

CORAM : SANJAY A. DESHMUKH, J.
DATED : 26th NOVEMBER, 2025

JUDGMENT :-

1. These four appeals are preferred against the judgments and award passed by the learned Reference Court, Nilanga in Land Acquisition Reference Nos.386 of 2002, 427 of 2002, 387 of 2002 and 426 of 2002, dated 18.01.2011.

2. The claim of the claimants for enhancement of the compensation amount was dismissed by the learned Reference Court.

3. Following lands of the claimants of village Takli and Hanchanal, Tq. Udgir/Nilanga District Latur was acquired for Takli K.T. Weir Project.

Sr. No.	L.A.R. No.	Area of acquired land	Village
1	386/2002	00H 52R	Hanchanal Tq. Nilanga Dist. Latur
2	427/2002	00H 09R	Hanchanal Tq. Nilanga Dist. Latur
3	387/2002	00H 23R	Hanchanal Tq. Nilanga Dist. Latur
4	426/2002	00H 92R	Hanchanal Tq. Nilanga Dist. Latur

4. Learned Advocate Mr. G. K. Sontakke for the appellants pointed out the claimants' case is that their agricultural lands were acquired; however, proper compensation was not awarded to them by the Land Acquisition Officer. The claimants were cultivating crops such as Sugarcane, Chilly, Wheat, Sunflower, Groundnut, Paddy green vegetable, Hybrid Jawar, Khapli, fruit trees, etc. By cultivating these crops, they were earning Rs.1,50,000/- per acre. It is further contended that the population of village Hanchanal was more than

2000, having Gram Panchayat, High School, College, Electricity facility, Primary Health Center, Water supply scheme, Society, Telephone, T. V. facility and State transport, etc. The claimants' village falls within the command area of Shivajirao Patil Shetkari Sahakari Sakhar Karkhana, Ambulga and Jai Jawan Jai Kisan Shetkari Sahakari Sakhar Karkhana, Nalegaon. However, all these aspects were not considered, and the learned Reference Court ultimately dismissed the claimants' prayer.

5. Learned Advocate Mr. G. K. Sontakke for the claimants submitted that the agricultural lands situated in the same village were acquired, for which Land Acquisition Reference No.520 of 2002 was preferred by the claimants for enhancement of compensation. In Land Acquisition Reference No.520 of 2002, the learned Reference Court, Nilanga, Tahsil Latur, awarded Rs.60,000/- per acre for dry land by judgment delivered on 17.04.2008, prior to the decision dated 18.01.2011 of present reference in question. The learned Reference Court thus erred on facts as well as on law. He, therefore, prayed to enhance the amount of compensation @Rs.60,000/- per acre.

6. Learned Advocate for the claimants relying upon the judgment of *Ali Mohammad Beigh Vs. State of Jammu and Kashmir*, reported in *2017 DGLS (SC) 316*.

7. Learned Advocate Mr. N. L. Jadhav for respondent no.3, strongly opposed the appeals and submitted that the same parameters cannot be applied while granting compensation to the claimants as the claimants' village in the present case and the village in L.A.R. No.520 of 2002 are different. The claimants in L.A.R. No.520 of 2002 are from village Shiur, Helamb, Dhanegaon, Takli and Hanchanal also. However, the lands were acquired for one and the same project, namely Takli K. T. Wear Project. He submitted that amount awarded by the Land Acquisition Officer was based on the evidence adduced before him. The Land Acquisition Officer considered all the aspects and awarded a reasonable amount of compensation to the claimants in question. It is lastly prayed to dismiss the appeal as there is no substance in the grounds of objection of this appeal.

8. Perused the Record and Proceedings, and more particularly the impugned judgments and awards as well as the judgment in L.A.R. No.520 of 2002. The following points arise for my consideration:

- a. Are the claimants entitled to the enhanced amount of compensation?
- b. Was the learned Reference Court illegal and incorrect in dismissing the claim of the claimants?

9. On perusal of the judgment of the learned Reference Court in question dated 18.01.2011 and the judgment in Land Acquisition

Reference No.520 of 2002 dated 17.04.2008, it is crystal clear that as per judgment, some of the properties of village Hanchanal were acquired. Further, it is an admitted fact that the agricultural lands of the appellants in these appeals and the agricultural lands of the claimants in Land Acquisition Reference No.520 of 2002 were situated in the same vicinity, and some of the claimants' lands at village Hanchanal were also under consideration in Land Acquisition Reference No.520 of 2002. No doubt, the said judgment was not placed before the learned Reference Court while deciding the reference and for the mistake of the Advocate, the claimants should not suffer.

10. The learned Reference Court in Land Acquisition Reference No.520 of 2002 considered the matter before it and came to the conclusion that the claimants were entitled to enhanced amount of compensation @Rs.60,000/- per acre for their acquired dry lands. Therefore, the principle of parity can be rightly invoked in favour of the appellants in these appeals, as the lands are situated in the same vicinity, and particularly, some of the lands in Land Acquisition Reference No.520 of 2002 were also situated in the village Hanchanal. However, the learned Reference Court while deciding the reference in question did not state cogent and acceptable reasons, despite the existence of sale instances, and failed to appreciate the matter before

it in its proper perspective. The learned Reference Court erred while deciding the said references as above. This indicates the illegality in the impugned judgments and award.

11. Considering the aforementioned facts, the appellants are, certainly entitled to the enhanced amount of compensation on the principle of parity. Impugned judgments and awards deserve to be partly set aside. Hence, point nos.1 and 2 are answered in the affirmative. All the First Appeals are therefore deserve to be allowed by awarding the enhanced amount of compensation @Rs.60,000/- per acre alongwith consensual statutory benefits. Hence, the following order:

ORDER

- a. Impugned judgment and awards are partly set aside and the First Appeals are allowed.
- b. Claimants in all the First Appeals are entitled for enhanced amount of compensation @Rs.60,000/- per acre with all the statutory benefits and interest, etc.
- c. Deficit Court fees, if any, be recovered from the claimants.
- d. Respondent no.2 is directed to deposit the enhanced amount of compensation alongwith interest accrued thereon within eight weeks.
- e. Civil Applications, if any, stand disposed of.

(SANJAY A. DESHMUKH, J.)