



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 FIRST APPEAL NO. 105 OF 2005

1. Suresh s/o Nivrati Patil
Age 24 years, Occ. Agriculture
R/o. Sangvi (J), Tq. Nilnanga
District Latur
 2. Anant s/o Nivrati Patil
Age 32 years, Occ. Agriculture
R/o. As above
- ...Appellants
(Ori. Claimants)

Versus

1. The State of Maharashtra
Through the Collector, Latur
 2. Executive Engineer,
Lower Terana Project
Latur, District Latur
- ...Respondents

...

Advocate for Appellants : Mr. S S Halkude
AGP for Respondents: Mr. D.J. Patil

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 27th NOVEMBER 2025

ORAL JUDGMENT :-

1. This appeal is preferred against the impugned judgment and award dated 23.11.2004 passed by the learned Civil Judge, Senior Division, Nilanga in L.A.R. No.132 of 1998 (Old No.161 of 1990). The lands of the appellants, situated in village Sangvi, Tq. Nilanga, district Latur, bearing block No. 70 admeasuring 76 Are

came to be acquired for the purpose of construction of left bank canal of lower Terna project. The claim was partly allowed and compensation @ Rs.10,000/- per Acre was awarded.

2. Learned advocate for the appellants pointed out that the learned Reference court has not considered the evidence adduced by the claimants in its proper perspective and wrongly came to the conclusion and awarded a meager amount of compensation which is not justifiable either in law or on facts. He also submitted that in L.A.R. No. 282 of 1990, the same court had awarded an enhanced amount of compensation @ Rs.19,000/- per acre for dry land and Rs.24,000/- per acre for seasonally irrigated land. He submitted that there is discrimination on the part of the Reference court in awarding the compensation amount when the lands are situated in the same village and within the same vicinity. He further submitted that the lands were acquired by one and the same notification and for one and the same purpose. He therefore, prayed to allow the appeal on the principle of parity.

3. Learned A.G.P. for the respondents State strongly opposed the appeal and submitted that the appellants claim is not sustainable. The Reference court has considered the entire evidence in its proper perspectives, including the sale instance at Exh.49. There is no such

evidence that the acquired land of the claimant was a seasonally irrigated land. He pointed out the entire evidence and submitted to dismiss the appeal.

4. The following points emerged for consideration.

- I. Was the Reference court illegal and incorrect in awarding the compensation @ Rs.10,000/- per acre to the claimants?

5. It is undisputed that the lands of these appellants were acquired by one and the same notification, situated in the same village and for the same purpose. The impugned judgment was delivered on 23.11.2004 and the judgment relied upon of L.A.R. No. 282 of 1990 was delivered on 06.09.1995. Therefore, it was incumbent on the part of the learned Reference court to consider the judgment in L.A.R. No. 282 of 1990.

6. If the principle of parity is to be applied to the case of the claimants, then this court has to consider the nature of the acquired land. For that purpose, learned advocate for the appellants pointed out 7x12 extract at Exh.30 which shows that survey/block number of the land in question is 70/A. The adjacent land of one of the claimant was acquired and a reasonable amount of compensation was awarded for that land survey No. 70 in L.A.R. No.945 of 1990, for

which the market price was considered at Rs.29,000/- per acre. Considering this evidence, the appellants in this case are certainly entitled to compensation @ Rs.29,000/- per acre on the principle of parity, as their lands are similarly situated to the lands of the claimants in L.A.R. No. 945 of 1990 in which the claimants were held entitled to Rs.29,000/- per Acre as compensation for seasonally irrigated land. The impugned judgment and award of the Reference court is illegal, incorrect and not sustainable. Therefore, point No.1 is answered in affirmative. The appeal therefore, deserves to be partly allowed. The impugned judgment and award deserves to be set aside. Hence, the following order:-

O R D E R

- I. The first appeal is partly allowed. The impugned judgment and award are partly set aside and modified as under:-
- II. The appellants are entitled to the enhanced amount of compensation at the rate of Rs.29,000/- per acre. The said amount shall carry interest at the rate of 9% p.a. from the date of taking over possession of the lands for a period of one year, and thereafter at the rate of 15% p.a. till realization of the entire amount.
- III. The appellants are also entitled to solatium and interest in proportion to the enhanced compensation in line with the

observations made by the Reference court on the above referred enhanced compensation.

- IV. The appellants are directed to pay the court fees on the enhanced amount of compensation, if it is not paid.
- V. The amount already paid to the appellants shall be adjusted while paying the amount of enhanced compensation and the additional components, as observed herein above.
- VI. The enhanced amount of compensation with interest shall be deposited in this court within a period of 12 weeks from today.

(SANJAY A. DESHMUKH, J.)

rlj/