



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

FIRST APPEAL NO. 1747 OF 2021

Dattu Madhav More .. Appellant

Versus

The State of Maharashtra, through
Collector, Osmanabad and others .. Respondents

**WITH
FIRST APPEAL NO. 1748 OF 2021**

Gunda Santoba Gobade .. Appellant

Versus

The State of Maharashtra, through
Collector, Osmanabad and others .. Respondents

**WITH
FIRST APPEAL NO. 1749 OF 2021**

Govind Vitoba More
Since deceased through his L.Rs.
Rukminbai G. More .. Appellant

Versus

The State of Maharashtra, through
Collector, Osmanabad and others .. Respondents

Shri Vivekanand V. Ingle, Advocate for the Appellant in all
matters.

Mrs. M. N. Ghanekar, A.G.P. for the Respondent Nos. 1 and 2 in
all matters.

CORAM : SHAILESH P. BRAHME, J.

DATE : 22TH DECEMBER, 2025.

FINAL ORDER :

. Taken up for final disposal at the admission stage with the consent of the parties.

2. Appellants are questioning common judgment and award dated 14.09.2007 passed by the Reference Court.

3. The lands of the appellants from village Murshadpur, Tq. Omerga have been acquired for rehabilitation of earthquake affected persons from village Murshadapur. The notification U/Sec. 4 of the Land Acquisition Act was issued on 08.02.1994,. The Special Land Acquisition Officer passed award on 19.06.1996 and awarded rate of Rs. 17,000/- per hectare treating the lands as Jirayat lands. The Reference Court enhanced the compensation by awarding rate of Rs. 8,000/- per acre by the impugned judgment.

4. Appellants have placed reliance on rate fixed at Rs. 20/- per square feet in the collateral matters relying on the judgment rendered in L.A.R. No. 1073 of 2009 and connected matters. Further reliance is placed on the letter dated 02.11.2018 acquiescing the rate fixed by the Reference Court in above referred references. Learned counsel for the appellants would submit that the award is common and on the ground of parity,

appellants are also entitled to receive rate of Rs. 20/- per square feet. Reliance is placed on order dated 26.11.2025 passed by this Court in First Appeal No. 1480 of 2024.

5. Learned Assistant Government Pleader for the respondents would oppose the submissions. It is submitted that there is no foundation for the rate of Rs. 20/- per square feet. Appellants are unable to establish any case for enhancement of compensation. Appeals are liable to be dismissed.

6. Following are the material particulars of the matters.

Sr. No.	First Appeal No.	L.A.R. No.	Land Sy. No.	Area	Date of Sec. 4 notification	Date of Award U/Sec. 11	Rate granted by S.L.A.O.	Rate awarded by Reference Court
1	1747 of 2021	463 of 2005	03 04	20 R 40 R	08.02.1994	19.06.1996	Rs. 17000/- Per Hectare	Rs. 8000/- Per Acre
2	1748 of 2021	323 of 2005	07	82R	08.02.1994	19.06.1996	Rs. 17000/- Per Hectare	Rs. 8000/- Per Acre
3	1749 of 2021	02 of 2005	01	55R	08.02.1994	19.06.1996	Rs. 17000/- Per Hectare	Rs. 8000/- Per Acre

7. The lands have been acquired for rehabilitation of earthquake affected persons from village Murshadpur, Tq. Omerga, Dist. Osmanabad. The respondents have not disputed the classification of the lands and the purpose for which those are acquired. The lands in question are dry lands. The Reference Court in matters of L.A.R. No. 1073 of 2009, L. A. R.

No. 1078 of 2009 and L. A. R. No. 20 of 2006 by common judgment awarded rate of Rs. 20/- per square feet. The respondents did not challenge the rate and they were instructed by letter dated 02.11.2018 issued by the competent authority not to prefer appeal. A copy of common judgment dated 31.10.2017 would indicate that for self same purpose lands were acquired and rates were acquiesced. Award passed in those matters and the present matters is identical, which was passed on 19.06.1996. Similarity of the lands, their potential and location have been proved. Appellants are justified in pressing into service judgment dated 26.11.2025 passed by this Court in First Appeal No. 1480 of 2024 with Cross Objection No. 214 of 2025. This Court has dismissed the appeal of the acquiring body – State Government and allowed the cross objection of the claimants in awarding rate of Rs. 20/- per square feet. Present matters are squarely covered by the judgment.

8. First appeals are liable to be allowed partly. I, therefore, pass following order.

O R D E R

- A. The first appeals are allowed partly.
- B. The appellants are entitled to receive rate of Rs. 20/- per square feet (Rs. 80,000/- per acre) for acquired lands.

- C. The interest U/Sec. 28 and 34 of the L. A. Act is payable from the date of award i. e. 20.11.2000 as per the judgment the State of Maharashtra Vs. Kailas Shiva Rangari reported in *2016(4) All MR 513..*
- D. Save and except above modification, impugned judgment and award shall stand unaltered.
- E. The appellants shall not be entitled to receive interest and statutory benefits for the delayed period.
- F. The appellants shall pay the deficit court fees.
- G. Award be drawn up accordingly.
- I. Record and proceeding shall be sent back.

[SHAILESH P. BRAHME J.]

bsb/Dec. 25