



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

941 FIRST APPEAL NO. 359 OF 2008

Shabbir s/o Mohammad Yasin,
Age 47 years, Occ. Business
R/o. Lamjana, Taluka Ausa
District Latur

...Appellant
(Ori. Claimant)

Versus

The State of Maharashtra
Through the Collector, Latur
District Latur

...Respondent
(Ori. respondent)

...
AND

FIRST APPEAL NO. 360 OF 2008

Sayyad s/o Mohammad Yasin,
Age 40 years, Occ. Business
R/o. Lamjana, Taluka Ausa
District Latur

...Appellant
(Ori. Claimant)

Versus

The State of Maharashtra
Through the Collector, Latur
District Latur

...Respondent
(Ori. respondent)

...
Advocate for Appellant : Mr. Manohar S. Deshpande
AGP for Respondents: Mr. A.A. Khan

.....

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

ORAL JUDGMENT:-

1. Both these appeals are preferred against the common judgment and award dated 04.09.2001 passed by the learned Joint

District Judge, Latur in L.A.R. Nos. 295 of 1996 and 243 of 1994, respectively.

2. The lands of the appellants claimed to have been located on Latur – Gulbarga State highway, were acquired for rehabilitation of village Lamjana, after the earthquake, for which possession of their lands was taken on 10.10.1993. The claimants prayed for compensation of Rs.2,00,000/- per hectare, however, the reference court has awarded compensation of Rs.18,000/- per Hectare in L.A.R. No. 286 of 1996 and other references. In some cases, it was awarded at the rate of Rs.28,000/- per hectare. The claimants have relied upon the award at Exh.29 of the Land Acquisition Officer.

3. Learned advocate for the appellants pointed out that other claimants had preferred first appeals bearing Nos. 412 of 2002 etc. which were decided on 13.08.2015 in which the amount of compensation was enhanced by this Court @ Rs.77,809/- per Acre. He therefore, submitted to award the compensation on the principle of parity to the claimants accordingly.

4. Learned A.G.P. for the respondent – State opposed the appeals and submitted that the amount of compensation awarded by the reference court is legal and correct. It is considered on factual

aspects. No any sale instance is produced before the reference court, and therefore, the compensation awarded by the reference court be maintained by dismissing the appeals. He lastly submitted to dismiss the appeals.

5. The following points emerged for consideration.

I. Was the reference court illegal and incorrect in awarding the compensation @ Rs.50,000/- per Hectare to the claimants in L.A.R. No. 280 of 1996 and Rs.85,000/- per Hectare in L.A.R. No. 953 of 1997?

II. What order?

6. On perusal of the impugned judgment and award and the evidence on record, it appears that the lands of the similarly situated claimants in first appeal No. 412 of 2002 and others, from the same village, were acquired for rehabilitation of village Lamjana, after the earthquake, located at Latur – Gulbarga State Highway. In the said appeals, this court enhanced the compensation and awarded the amount of compensation @ Rs.77,809/- per acre, after considering the sale instance at Exh.32 of the same village as well as the potentiality of the lands which were acquired. It also considered the

facilities like education, religious institutions, electricity supply, water supply, health center etc. Considering the principle of parity, the appellants in these appeals certainly entitled for enhanced amount of compensation @ Rs.77,809/- per acre. Therefore, the appeals of the appellants deserve to be allowed. The point No.1 is answered in affirmative. The impugned judgment and award deserve to be modified. Hence, the following order:-

O R D E R

- I. The first appeals are partly allowed.
- II. The appellants are entitled for enhanced amount of compensation at the rate of Rs.77,809/- per acre. The said amount shall carry an 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 amount.
- III. The appellants are also entitled to solatium and interest in proportion to the enhanced compensation in line with the observations 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 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/