



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

FIRST APPEAL NO.93 OF 2011

Harishchandra S/o Shamrao Shinde
Age 70 years, Occu: Agril,
R/o: Shingoli, Tq. And Dist. Osmanabad

.....APPELLANT
(Orig. Claimant)

VERSUS

1. The State of Maharashtra
Through the Collector, Osmanabad
2. The Special Land Acquisition Officer
and Sub-Divisional Officer, Osmanabad
3. The Executive Engineer,
Public Works Division, Osmanabad.

.....RESPONDENTS
(Orig. Respondents)

Mr. Kailas B. Jadhav, Advocate for the appellant
Mr. S. B. Jadhav, AGP for the respondents-State

**WITH
FIRST APPEAL NO.1300 OF 2013**

1. The State of Maharashtra
Through the Collector, Osmanabad
2. The Special Land Acquisition Officer
and Sub-Divisional Officer, Osmanabad
Medium Project Division,
Osmanabad

.....APPELLANTS
(Orig. Respondents)

VERSUS

Ashok Balasaheb Shinde,
Age: Major, Occu: Agri.,
R/o: Singoli, Tq. & District.
Osmanabad

.....RESPONDENT
(Orig. Claimant)

**WITH
CROSS OBJECTION NO.216 OF 2025
IN FIRST APPEAL NO.1300 OF 2013**

Ashok Balasaheb Shinde,
Age: Major, Occu: Agri.,
R/o: Singoli, Tq. & District.
Osmanabad

.....APPELLANT
(Orig. Respondent in F.A.)

VERSUS

1. The State of Maharashtra
Through the Collector, Osmanabad
2. The Special Land Acquisition Officer
and Sub-Divisional Officer, Osmanabad
Medium Project Division,
Osmanabad

.....RESPONDENTS
(Orig. Appellants)

**WITH
FIRST APPEAL NO.1298 OF 2013**

1. The State of Maharashtra
Through the Collector, Osmanabad
2. The Special Land Acquisition Officer
and Sub-Divisional Officer, Osmanabad
Medium Project Division,
Osmanabad

.....APPELLANTS
(Orig. Respondents)

VERSUS

Chandrakant Balasaheb Shinde,
Age: Major, Occu: Agri.,
R/o: Singoli, Tq. & District.
Osmanabad

.....RESPONDENT
(Orig. Claimant)

**WITH
CROSS OBJECTION NO.217 OF 2025
IN FIRST APPEAL NO.1298 OF 2013**

Chandrakant Balasaheb Shinde,
Age: 70, Occu: Agri.,
R/o: Shingoli, Tq. & District.
Osmanabad

.....APPELLANT
(Orig. Respondent in F.A.)

VERSUS

1. The State of Maharashtra
Through the Collector, Osmanabad
2. The Special Land Acquisition Officer
and Sub-Divisional Officer, Osmanabad

.....RESPONDENTS
(Orig. Appellants)

**WITH
FIRST APPEAL NO.1299 OF 2013**

1. The State of Maharashtra
Through the Collector, Osmanabad
2. The Special Land Acquisition Officer
and Sub-Divisional Officer, Osmanabad
Medium Project Division,
Osmanabad

.....APPELLANTS
(Orig. Respondents)

VERSUS

Tukaram Bhagwan Shinde,
Age: Major, Occu: Agri.,
R/o: Singoli, Tq. & District.
Osmanabad

.....RESPONDENT
(Orig. Claimant)

**WITH
CROSS OBJECTION NO.215 OF 2025
IN FIRST APPEAL NO.1299 OF 2013**

Tukaram Bhagwan Shinde,
Age: 72, Occu: Agri.,
R/o: Shingoli, Tq. & District.
Osmanabad

.....APPELLANT
(Orig. Respondent in F.A.)

VERSUS

1. The State of Maharashtra
Through the Collector, Osmanabad
2. The Special Land Acquisition Officer
and Sub-Divisional Officer, Osmanabad
3. The Executive Engineer,
Public Work Division No.1
Osmanabad

.....RESPONDENTS
(Orig. Appellants)

Mr. S. B. Jadhav, AGP for the appellant-State in appeals and for respondent-State in X-Objections in respective matters.
Mr. Vivekanand V. Ingale, Advocate for the respondent in appeals and for Cross Objectors in X-Objections in respective matters.

CORAM : SANJAY A. DESHMUKH, J.
DATED : 18th NOVEMBER, 2025

JUDGMENT :-

1. Heard learned Advocates for both the sides.
2. All these appeals are preferred against the judgment and award passed by the learned Reference Court, Osmanabad in Land Acquisition Reference No.116 of 1997 Dated 29.09.2010 and Reference Nos.131 of 1997, 132 of 1997 and 127 of 1997 against which, the First Appeal no.1300 of 2013 with Cross Objection No.216

of 2015, First Appeal No.1298 of 2013 with Cross Objection No.217 of 2025, First Appeal No.1299 of 2013 with Cross Objection No.215 of 2025 are preferred by the State Government for reducing the amount of compensation and Cross Objections are filed by the claimants for enhancement of compensation.

3. During the arguments, learned Advocate for the claimants pointed out the judgment of this Court delivered in the First Appeal No.1920 of 2012 and other connected appeals are decided on 10.09.2025, wherein this Court confirmed the enhanced compensation of Rs. 75 per square foot as determined by the learned Reference Court after deducting 30% towards development charges. The lands in all these appeals are acquired for one and the same purpose. He further pointed out the judgment of this Court in the case of *Hanmabai Iranna Patil Vs. State of Maharashtra* , reported in **2009 (4) Mh.L.J. 805** to apply the principle of parity. He submitted that if these two judgments are relied upon, then claimants' claim deserves to be allowed by enhancing the amount of compensation. He prayed to allow the First Appeal filed by the claimant.

4. Learned AGP for the Appellants-State in First Appeal No.1300 of 2013, First Appeal No.1298 of 2013 and First Appeal No.1299 of 2013 and for Respondent-State in First Appeal No.93 of 2011 strongly opposed the arguments of learned Advocate for the

appellant and submitted that the amount of compensation cannot be enhanced. He prayed to dismiss the appeal and Cross Objections filed by the claimants.

5. On perusal of the impugned judgments and the judgment of this court passed in First Appeal No.1920 of 2012 and also in case of Hanmabai Patil, it is clear from evidence on record that the claimants are certainly entitled for the enhancement of the amount of compensation on the principle of parity as the lands in question are acquired for one and same purpose and by one and the same award. The learned Reference Court has without any justification illegally deducted 30 percent amount for the development charges.

6. Considering the above judgment relied upon by the claimants, they are entitled for enhanced amount of compensation @ Rs.75 per square feet on the principle of parity, which is fair market value of the acquired lands.

7. As far as appeals of State of Maharashtra are concerned, there is absolutely no substance in the grounds of objections of these appeals as this Court has already held above that the claimants are entitled for enhanced amount of compensation. Therefore, appeals filed by the State and Cross Objections filed by the cross objectors deserve to be dismissed.

8. Considering the above facts, the First Appeal No.93 of 2011 deserves to be allowed by modifying the impugned judgment and award. First Appeal No.1300 of 2013, First Appeal No.1298 of 2013 and First Appeal No.1299 of 2013 filed by the State and Cross Objection Nos.216 of 2025, 217 of 2025 and 215 of 2025 filed by the cross objectors deserve to be dismissed. Hence, the following order:

ORDER

- a. First Appeal No.93 of 2011 is allowed.
- b. Impugned judgment and award is partly set aside and modified as under.
- c. Appellant in First Appeal No.93 of 2011 is entitled for enhanced compensation for the acquired land @Rs.75 per square feet without deduction and with all the statutory benefits i.e. solatium interest etc.
- d. First Appeal No.1300 of 2013, First Appeal No.1298 of 2013 and First Appeal No.1299 of 2013 filed by the State and Cross Objection Nos.216 of 2025, 217 of 2025 and 215 of 2025 filed by the cross objectors are dismissed.
- e. The enhanced amount of compensation be deposited in this Court within 12 weeks.
- f. Pending Civil Applications, if any, stand disposed of.

(SANJAY A. DESHMUKH, J.)