



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 FIRST APPEAL NO. 2539 OF 2021

SHIVRUDRA IRRAYA SWAMI (DIED) THR LRS DAYANAND
AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Appellants : Mr. Ingale Vivekanand V.
AGP for Respondent/s-State : Mrs. M. N. Ghanekar.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 16.12.2025

FINAL ORDER :-

1. Heard both sides.
2. Being aggrieved by the judgment and award dated 08.03.2004 passed in L.A.R. No.431 of 1998, the claimants have approached this Court seeking enhancement of the compensation.
3. Appellants are relying on judgment passed by Co-ordinate Benches awarding rate of Rs.20/- per Sq.Ft. He has placed on record compilation comprising of judgment passed in LAR.No.994 of 2009 against which the acquiring body decided not to prefer any appeal. The order dated 24.09.2025

passed in FA.No.766 of 2013 and order dated 26.11.2025 in FA.1480 of 2024 are also placed on record.

4. Learned AGP vehemently opposes the submissions. It is contended that in the present matter land is acquired from village Tawashigad, Taluka Lohara, District Osmanabad whereas in the previous matter it was from village Kawatha. It is further submitted that the ground of parity is not attracted in the present matter and appellants will have to establish case for enhancement of the rate.

5. I have considered rival submissions of the parties. For the self-same purpose, the lands from different villages have been acquired. In the present case, it was acquired from village Tawashigad. I am guided by law laid down by Supreme Court in the matter of *Ali Mohammad Beigh and others Vs. State of J. & K. [AIR 2017 SC 1518]* and *Ningappa Thotappa Angadi (Dead) through Legal Representatives Vs. Special Land Acquisition Officer and another [(2020) 19 Supreme Court Cases 599]* as well as *Hanmabai w/o Iranna Patil (Deceased Through her LR's) Dattatraya Patil Vs. State of Maharashtra & another [2009 (4) Mh.L.J.]*. It is rightly pointed out that the acquiring body had decided not to prefer appeal in the matter granting rate of Rs.20/- per Sq.Ft. It would be discriminatory

to deprive the present appellants from the same rate. There is consistent view taken by the Co-ordinate Benches in awarding the rate. It is desirable to allow first appeal partly. Hence, I pass the following order :

ORDER

- (i) First appeal is allowed partly.
- (ii) The appellants are entitled to the rate of Rs.20/- per Sq.Ft.
- (iii) Appellants are entitled to have the rate of interest as per the judgment of Full Bench in case of ***State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]***.
- (iv) Save and except above modification. Rest of the impugned judgment and award shall stand confirmed
- (v) Record and proceeding be sent back to the concerned Court and award be drawn accordingly.
- (vii) Enhanced amount expeditiously.

(SHAILESH P. BRAHME, J.)

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vmk/-