



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 61 OF 2011

1. The State of Maharashtra
Through Collector, Osmanabad
 2. The Special Land Acquisition Officer,
Manjara Project, Osmanabad
 3. The Executive Engineer,
Osmanabad Irrigation Division
Osmanabad
- ...Appellants
(Ori. Respondents)

Versus

Shakil Gulam Rasul Shaikh
Age adult, Occ. Agriculture
R/o. Talmod, Tq. Omerga
District Osmanabad

...Respondent
(Ori. Claimant)

WITH
CROSS OBJECTION NO. 27 OF 2023
IN
FIRST APPEAL NO. 61 OF 2011

Shakil Gulam Rasul Shaikh
Age 62 years, Occ. Agriculture
R/o. Talmod, Tq. Omerga
District Osmanabad

...Appellant
(Ori. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Osmanabad
 2. The Special Land Acquisition Officer,
Manjara Project, Osmanabad
 3. The Executive Engineer,
Osmanabad Irrigation Division
Osmanabad
- ...Appellants
(Ori. Respondents)

AND
FIRST APPEAL NO. 62 OF 2011

1. The State of Maharashtra
Through Collector, Osmanabad
 2. The Special Land Acquisition Officer,
Manjara Project, Osmanabad
 3. The Executive Engineer,
Osmanabad Irrigation Division
Osmanabad
- ...Appellants
(Ori. Respondents)

Versus

Khaja Rahgeman Masuldar
Age adult, Occ. Agriculture
R/o. Talmod, Tq. Omerga
District Osmanabad

...Respondent
(Ori. Claimant)

WITH
CROSS OBJECTION NO. 28 OF 2023
IN
FIRST APPEAL NO. 62 OF 2011

Khaja Rahgeman Masuldar
Age 38 years, Occ. Agriculture
R/o. Talmode, Tq. Omerga
District Osmanabad

...Appellant
(Ori. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Osmanabad
 2. The Special Land Acquisition Officer,
Manjara Project, Osmanabad
 3. The Executive Engineer,
Osmanabad Irrigation Division
Osmanabad
- ...Appellants
(Ori. Respondents)

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AND
FIRST APPEAL NO. 63 OF 2011

1. The State of Maharashtra
Through Collector, Osmanabad
 2. The Special Land Acquisition Officer,
Manjara Project, Osmanabad
 3. The Executive Engineer,
Osmanabad Irrigation Division
Osmanabad
- ...Appellants
(Ori. Respondents)

Versus

Hapijabi Ismail Masuldar
Age adult, Occ. Agriculture
R/o. Talmod, Tq. Omerga
District Osmanabad

...Respondent
(Ori. Claimant)

WITH
CROSS OBJECTION NO. 29 OF 2023
IN
FIRST APPEAL NO. 63 OF 2011

Hapijabi Ismail Masuldar
Age 75 years, Occ. Agriculture
R/o. Talmode, Tq. Omerga
District Osmanabad

...Appellant
(Ori. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Osmanabad
 2. The Special Land Acquisition Officer,
Manjara Project, Osmanabad
 3. The Executive Engineer,
Osmanabad Irrigation Division
Osmanabad
- ...Appellants
(Ori. Respondents)

AND
FIRST APPEAL NO. 70 OF 2011

1. The State of Maharashtra

Through Collector, Osmanabad

2. The Special Land Acquisition Officer,
Manjara Project, Osmanabad
3. The Executive Engineer,
Osmanabad Irrigation Division
Osmanabad

...Appellants
(Ori. Respondents)

Versus

Madhav Shankar Malage
Age adult, Occ. Agriculture
R/o. Talmod, Tq. Omerga
District Osmanabad

...Respondent
(Ori. Claimant)

WITH
CROSS OBJECTION NO. 30 OF 2023
IN
FIRST APPEAL NO. 70 OF 2011

Madhav Shankar Malage
Age 50 years, Occ. Agriculture
R/o. Talmode, Tq. Omerga
District Osmanabad

...Appellant
(Ori. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Osmanabad
2. The Special Land Acquisition Officer,
Manjara Project, Osmanabad
3. The Executive Engineer,
Osmanabad Irrigation Division
Osmanabad

...Appellants
(Ori. Respondents)

.....

Mr. S.B. Jadhav, A.G.P. for the appellants in all first appeals and for respondents in all cross objections

Mr. V.V. Ingle, advocate for respondents in all first appeals and for applicants in all cross objections

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 17.11.2025

JUDGMENT :-

1. All these first appeals are preferred against the common judgment and award dated 21.07.2008, passed by the Reference Court, Omerga, District Osmanabad, in L.A.R. Nos. 81 of 2005, 82 of 2005, 104 of 2005 and 417 of 2005.

2. The agricultural lands of the claimants-respondents, shown in the following chart, were acquired for submergence of the Kolsur medium project:-

Sr. No.	Name of the claimant	Gat.No.	Area
1	Madhav Shankar Malage	40/7	1H 07R
2	Khaja Raheman Masuldar	39/2	3H 04R
3	Hapijabi Ismail Masuldar	39	0H 73R
4	Shakil Gulam Rasul Shaikh	39/3	1H 82 R

3. The appellants have challenged the impugned judgments and awards passed by the Reference Court on the ground that an exorbitant amount of compensation was awarded against the settled principles of law and the legal evidence on record. The sale instances were not comparable, however, those were relied upon. The evidence collected by the S.L.A.O. is not properly considered.

The Reference Court erred in awarding the enhanced amount of compensation without any justification. It is lastly prayed to allow these appeals by dismissing the claimants' claims.

4. In their cross objections, the claimants have raised a ground of objection that the learned Reference Court had not appreciated the evidence of the sale deed of the year 1998 of same village in which the agricultural land, admeasuring 1 H and 5 Are, having an assessment of 3 Rupees 60 Paise, was sold for Rs.4,50,000/-. It is lastly prayed to enhance the amount of compensation as the Reference Court has not relied upon the said sale deed.

5. The learned A.G.P. for the appellants-State submits that the learned Reference Court has not considered sale instances properly. He submits that the evidence is not properly appreciated by the Reference Court and had illegally enhanced the amount of compensation. He lastly prayed to allow the appeals by setting aside the impugned judgments and awards.

6. The learned advocate for the claimants submits that the sale instance of the year 1998 was not properly appreciated by the Reference Court. It also failed to consider the assessment of the

claimants' lands which have more value than mentioned in the sale instance of the year 1998, which was sold for Rs.4,50,000/-. He pointed out that the 7x12 extracts at Exh.29 to 32 and the said sale deed of the year 1994 at page 63, are not disproved by the appellants. He submits that 10% of the amount can be deducted for carving out the amount of compensation for five years, as the land was acquired in the year 1993. He lastly prayed to allow the cross objections.

7. Perused the record and proceedings as well as the grounds of objections of the appeals and the cross objections. The following points emerged for consideration:-

- I) Was the Reference Court illegal and incorrect in awarding the amount of compensation for the agricultural lands of the claimants?

8. The sale deed of the year 1998 is admittedly executed for consideration of Rs.4,50,000/- of survey No. 49/1 admeasuring 1 Hectare and 05 Are. The lands in question were acquired in the year 1993. In para 6 of the impugned judgment, the learned Reference Court has discussed the reasons as to why the sale deed is not a comparable sale. As per the sale deed of the year 1998, consideration was Rs.4,50,000/- i.e. Rs.4285/- per Are. If the 10%

amount is reduced for five years from the year 1993 to 1998, it comes to Rs.2142/- per Are. There is no justifiable reason to disbelieve the said sale instance of the year 1998. However, the Reference Court has not given justifiable reasons for it. If this aspect is considered, then the appeals preferred by the State Government do not hold any substance. The appeals therefore, deserve to be dismissed. The cross objections deserve to be allowed. The impugned judgment and award deserve to be partly set aside in respect of the quantum of the amount of compensation for the acquired lands as held above.

9. For the reasons discussed above, the arguments of learned A.G.P. are not acceptable. The claimants are entitled to the enhanced amount of compensation at the rate of Rs.2141/- per Are. Hence, point No.1 is answered partly in the affirmative. The appeals filed by the State deserves to be dismissed and the cross objections deserve to be allowed. Hence, the following order:-

OR D E R

I. The first appeals filed by the State and its authorities are dismissed.

- II. The cross objections filed by the claimants are allowed.
- III. Paragraph Nos. 2, 5, 7 and 10 of the operative part of the impugned common judgment and award are modified as under:-
- a) The claimants are entitled to compensation amount of their agricultural lands at the rate of Rs.2142/- per Are with all other statutory benefits i.e. solatium, interest etc.
- b) The claimants to pay the court fees on enhanced amount of compensation if it is not paid.
- IV) The enhanced amount of compensation with interest etc. shall be deposited in this court within a period of 12 weeks from today.
- V) The award be drawn up accordingly.
- VI) The first appeals and cross objections are disposed of.

(SANJAY A. DESHMUKH, J.)