



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

**905 FIRST APPEAL NO. 1569 OF 2004**

Nagarbai Gopalrao Yadav (died)  
Through L. Rs.

1. Mohanrao S/o Gopalrao Yadav  
Age: 79 years, Occu: Nil,  
R/o. Khotachi Wadi, Mangrul  
Tq. Tuljapur, Dist. Osmanabad
  2. Madanrao S/o Gopalrao Yadav  
Age: 75 years, Occu: Nil  
R/o Khotachi Wadi, Mangrul,  
Tq. Tuljapur, Dist. Osmanabad
- ... Appellants  
(Orig. Claimants)

**VERSUS**

1. The State Of Maharashtra  
Through Collector, Osmanabad
  2. The Special Land Acquisition Officer  
(P. T. % MIWP No.1), Osmanabad
  3. The Executive Engineer,  
Osmanabad Minor Irrigation  
Division, Aurangabad
- ...Respondents

...  
Mr. Vikram S. Undre, Advocate for Appellants  
Mr. V. V. Jahagirdar, AGP for Respondents/State  
Mr. G. B. Rajale, Advocate for Respondent No.3

....

**CORAM : SANJAY A. DESHMUKH, J.**

**DATE : 10.12.2025**

**ORAL JUDGMENT :-**

1. This appeal is preferred against the judgment and award passed by the learned Land Reference Court, Osmanabad in L.A.R. No.25 of 1995 dated 01.04.2004.

2. The claimants / appellants are the owners of Lands bearing Survey No.21, Block No.59/2, admeasuring 6H 47R and Survey No.22/59, Block No.54, admeasuring 2H 41R, situated at Village Mangrul (Kotochiwadi), Tahsil Tuljapur, District Osmanabad. The said land of the claimants was acquired by the State Government for the construction of a Minor Irrigation Tank.

3. Learned Advocate for the appellants / claimants pointed out the pleadings and the impugned judgment. He submitted that the Land Acquisition Officer had determined the value of the acquired land of the claimants and awarded compensation of Rs.95,954/-. Thereafter, the learned Reference Court enhanced the amount of compensation and awarded Rs.16,670/- per acre. He submitted that the claim of the appellants / claimants is covered by the judgment of the learned Land Reference Court, Osmanabad passed in L.A.R. No.64 of 1992 dated 27.09.1994, which was decided by one and the same Court, by which compensation @ Rs.24,000/- per acre was awarded

to the claimants therein. He submitted that in the present case, the learned Reference Court awarded amount of compensation @ Rs.16,670/- per acre which is not justifiable, as the land of the present appellants / claimants was situated in the one and the same village and acquired for the one and the same purpose. He lastly prayed to allow the appeal by enhancing the amount of compensation on the principle of parity.

4. Learned AGP for the State and learned advocate for Respondent No.3 – Acquiring Body strongly opposed the appeal and submitted that there is no reliable evidence to award an enhanced amount of compensation for the acquired land of the appellants / claimants. They submitted that the principle of parity cannot be invoked in favour of the appellants on the basis of the judgment passed in L.A.R. No.64 of 1992 dated 27.09.1994. They lastly prayed to dismiss the appeal.

5. On perusal of the Record and Proceedings, particularly the impugned judgment, it is found that in L.A.R. No.64 of 1992 the same Reference Court awarded compensation @ Rs.24,000/- per acre to the claimants therein for their acquired land which is situated in one

and the same village and acquired for the one and same project. While deciding the present reference, the learned Reference Court held that the acquired land was having inferior quality, however, it has not considered the 7/12 extract which shows that the claimants' land was also irrigated and without considering the same, the Reference Court came to an erroneous conclusion and awarded a lesser amount of compensation i.e., Rs.16,670/- per acre. Hence, the appellants / claimants are certainly entitled to the enhanced amount of compensation i.e., @ Rs.24,000/- per acre on the principle of parity. This appeal deserves to be partly allowed and the impugned judgment and award deserves to be partly set aside on the principle of parity. Hence, the following order:

**::ORDER::**

- a. The first appeal is partly allowed.
- b. The impugned judgment and award is partly set aside and modified as under:
- c. The appellants / Claimants are entitled to the compensation @ Rs.24,000/- per acre along with statutory benefits like interest etc., for their acquired land.
- d. It is clarified that the appellants / claimants are not entitled to the interest for the period of delay which has been condoned by this Court.

- e. Respondent No.3 is directed to deposit the enhanced amount of compensation within 12 weeks.
- f. If deficit Court fees is not paid, upon receiving the same, enhanced amount of compensation be paid to the claimants.
- g. Award be drawn up accordingly.
- h. Pending civil applications, if any, stand disposed of.

**[ SANJAY A. DESHMUKH, J. ]**

*HRJadhav*