



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

FIRST APPEAL NO. 1643 OF 2022

1. Smt. Kantabai Nandlal Ladda
Age : 70 yrs, occ : agri.,
2. Ganeshlal Nandlal Ladda
Age : 52 yrs, occ : agri.,
3. Umeshkumar Nandlal Ladda
Age : 50 yrs, occ : agri.,
4. Jaiprakash nandlal Ladda
(Died) through LRs
- 4.1. Namrata Jaiprakash Ladda
Age : 43 yrs, occ : household

All r/o SBH Officers Colony,
Bangla No.6, Jalna Road,
Aurangabad

Appellants

Versus

1. The State of Maharashtra
Through Collector, Aurangabad
2. The Special Land Acquisition
Officer, Aurangabad
3. The Executive Engineer
World Bank Project Department,
Behind Old High Court Building,
Aurangabad

Respondents

...
Mr. D.M. Pingale, Advocate for the appellants.
Mr. D.J. Patil, A.G.P. for respondent Nos.1 and 2.
...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 4 MARCH 2025.

JUDGMENT :

1. Heard rival submissions.
2. The present appeal is filed by the original claimants for enhancement of compensation by challenging the judgment and award dated 30.10.2021 in LAR No. 200 of 2007 passed by the learned Reference Court i.e. 4th Joint Civil Judge (Senior Division), Aurangabad. In the impugned award, the rate of compensation in respect of acquired land is granted Rs. 495/- per R alongwith the interest and other statutory benefits permissible in law.
3. However, the learned Counsel for the appellants/claimants produced on record copy of judgment and award dated 01.02.2023 in LAR No. 196 of 2007 passed by the same learned Reference Court subsequent to the the passing of impugned award. It is submitted by the learned Counsel for the appellants/claimants that the land involved in the instant matter and the land involved in LAR No. 196 of 2007 are pertaining to same village and both are Bagayat lands. Thus, he prayed for same rate of compensation for the instant land under acquisition as that of the rate granted in LAR No. 196 of 2007.

4. The learned A.G.P. for respondents Acquiring Body, after going through the judgment and award in LAR No. 196 of 2007, accepted the rate mentioned therein for the present land and fruit bearing trees under acquisition. He also relied on latest judgment of Hon'ble Apex Court in the case of *New Okhla Industrial Development Authority vs Harnand Singh (Deceased) through LRs and others*, reported in *2024 SCC Online SC 1691* wherein it has been observed that it would be unfair to single out few individual land owners for denying them the benefit of just compensation granted in other similar matters.

5. As such, the present appeal stands allowed by granting same rate of compensation i.e. Rs. 43,200/- per R in respect of the acquired land in the instant matter alongwith the interest and statutory benefits as permissible in law similar to the matter LAR No. 196 of 2007. Further, the same rate of compensation in respect of the fruit bearing trees in the present acquired land be granted as mentioned in para 33 of the judgment in LAR No. 196 of 2007 i.e. Rs. 13,468/- per tree. The learned Counsel for the appellants/claimants has also produced on record chart of calculation for which the appellants/claimants are entitled for. The chart is taken on

record and marked "X" for identification. As such, the appeal is allowed by granting the compensation as computed in the aforesaid chart "X" alongwith the statutory interest and other benefits, to the appellants/claimants. Award be drawn accordingly. The amount of compensation if already deposited by the Acquiring Body as per the impugned award, be deducted from the fresh amount of compensation as above.

6. The respondent Acquiring Body is directed to deposit the enhanced amount of compensation within the period of twelve weeks. If the amount is so deposited, then the appellants/ claimants are permitted to withdraw the same without further reference to the Court.

7. The appellants/claimants shall pay the deficit court fees, if any within four weeks after it is computed by the office.

8 The appeal is accordingly disposed.

(SANDIPKUMAR C. MORE, J.)