



THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

FIRST APPEAL NO. 1416 OF 2013

- 1) Omprakash S/o. Chandrakant Arya,
Age:-51 years, Occu:- Agril,
 - 2) Prayagbai W/o. Chandrakant Arya, (Died)
Lrs. of appellant No.1.
- ... Appellants**
(Ori. Claimants)

VERSUS

- 1) The State of Maharashtra,
Through the Collector, Latur,
 - 2) The Special Land Acquisition Officer,
(M.I.W.), Latur.
 - 3) The Executive Engineer,
Minor Irrigation Project,
Division, at Latur.
- ... RESPONDENTS**

...

Mr. Gajanan K. Sontakke, Advocate for Appellant.
Mr. D. J. Patil, AGP for Respondent Nos.1 and 2.

...

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

DATE : 04th December, 2025.

ORAL JUDGMENT:

1 This appeal is preferred by the claimants against the

judgment and award dated 28th January, 2013 passed by the learned Reference Court in LAR No.72 of 2004.

2 Heard both the sides at length.

3 The learned counsel for the appellant pointed out that land Block No.98, admeasuring 3H 36R, situated at village Chikalthana, Tahsil and District Latur was acquired for K.T. Weir Project. The LAO granted compensation at the rate of Rs.2016 per R. The learned Reference Court enhanced the amount of compensation at the rate of Rs.2050 per R. Feeling aggrieved by the said decision, the present first appeal has been preferred by the claimants.

4 The learned counsel for the appellant pointed out the judgment and award dated 15th January, 2018 delivered by the learned Reference Court in LAR No.586 of 2011. The said judgment is regarding the acquired land of one and same village bearing Block No.102, admeasuring 81 R land. The learned Reference Court has enhanced an amount of compensation at the rate of Rs.13,610/- per R. The learned counsel for the appellant also pointed out that against the said judgment and award, an appeal is preferred before this Court and this Court by its judgment dated 20th April, 2022 passed in First

Appeal No.2896 of 2019 : ***(Executive Engineer, Lower Terna Canal Division No.2, Latur. Vs. Baburao and others, 2022 DGLS(Bom.) 1242)***, dismissed the said appeal by upholding the judgment and award of the Reference Court. He, therefore, prayed for parity.

5 The learned AGP strongly opposed the appeal and contentions as well as the arguments of the learned counsel for the appellant. He submitted that the reasonable amount of compensation is awarded by the learned Reference Court and therefore, no interference is warranted in the impugned judgment and award.

6 Perused the impugned judgment and award passed in LAR No.586 of 2011 and also the judgment of this Court in First Appeal No.2896 of 2019. It appears that the acquired land in question was acquired from one and the same village and for one and the same project i.e. submergence of Khulgapur Upper level Dam at village Bhatangali. The land of the present claimants was acquired for the one and same purpose, but it was acquired later on. Therefore, considering the reasons and findings of the learned Reference Court, it would be proper to apply the principle of parity and award the same compensation to the appellant. The appeal, therefore, deserves to be allowed and the impugned judgment and award deserves to be partly

set aside. Hence, the following order:

ORDER

- I. The appeal is partly allowed.
- II. The impugned judgment and award are partly set aside and modified as under:-
 - a) The claimants are entitled for compensation at the rate of Rs.13,610/- per R.
 - b) The claimants are further entitled for statutory benefits like interest etc. as per the Land Acquisition Act.
 - c) Rest of the judgment and award stands confirmed.
 - d) Award be drawn up as per the above modification.
- III. The respondents are directed to deposit the enhanced amount of compensation alongwith statutory benefits, in this Court within a period of 12 weeks from today.
- IV. If the court fees is not paid, on payment of court fees, the enhanced amount of compensation be paid to the appellants-claimants.

[SANJAY A. DESHMUKH, J.]