



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

FIRST APPEAL NO. 1235 OF 2012

1. The State of Maharashtra
Through Collector, Osmanabad.
2. The Special Land Acquisition Officer
Manjra Project, Osmanabad.
3. The Executive Engineer
Rehabilitation Integrated Unit
Osmanabad.

... Appellants
[Ori. Respondents]

Versus

1. Mahadappa Girmalappa Kalshetty (Died)
 - 1A] Ram Mahadappa Kalshetti (died).
Through Lr's
 - 1A-1] Smt. Usha Ramchandra Kalshetti,
Age 53 years, Occu Agri & H.H,
 - 1A-II] Yogeshwari Santosh Kalshetti,
Age 30 years, Occu Household,
 - 1A-III] Rohini Shivputra Kalsheeti,
Age 29 years, Occu Household,
 - 1A-IV] Mohini Someshankar Kalsheeti,
Age 29 years, Occu Household,
 - 1A-V] Pallavi Shivanand Kalsheeti,
Age 28 years, Occu Household,
 - 1A-VI] Shubhanghi Ramchandra Kalsheeti,
Age 25 years, Occu Household,
 - 1B] Bajrang Mahadappa Kalsheeti,
Age 47 years, Occu. Agri,
 - 1C] Tukaram Girmalappa Kalsheeti (Died),
Through LR's

1C-I] Laxman Tukaram Kalsheeti,
Age 54 years, Occu Agri,

1C-II] Satish Tukaram Kalsheeti,
Age 47 years, Occu Agri,

1C-III] Surekha Adinath Kshirsagar,
Age 41 years, Occu H.H.,

1C-IV] Varsha Shivraj Khantikar,
Age 40 years, Occu H.H.,

All R/o Kavatha, Tq.Omerga, Dist. Osmanabad.

... **Respondents**
[Ori. Claimants]

...
Mr. D. J. Patil, AGP for Appellants / State.
Mr. V. V. Ingale, Advocate for Respondents.
...

WITH
FIRST APPEAL NO. 1463 OF 2014

1. The State of Maharashtra
Through Collector, Osmanabad.
2. The Special Land Acquisition Officer
Manjra Project, Osmanabad.
3. The Executive Engineer,
Rehabilitation Integrated Unit
Osmanabad.

... **Appellants**
[Ori. Respondents]

Versus

Bhimrao Maruti Sawant
(died) Through Lr's

- 1A) Bhanudas Bhimrao Sawant
Age 59 Years, Occ: Agri.
R/o Kavatha, Tq. Omerga,
Dist: Osmanabad
- 1B). Bharatbai Subhash Pawar
Age 61 Years, Occ: H.H.
R/o As Above

1C). Tejabai @ Sitabi Ram Mane
Age 57 Years, Occ: H.H.
As Above

1D). Janabai Tukaram Mohite
Age 55 Years, Occ: H.H.
R/o Killari, Tq. AUSA
Dist: Latur.

... **Respondents**
[Ori. Claimants]

...
Mr. D. J. Patil, AGP for Appellants / State.
Mr. V. V. Ingale, Advocate for Respondents.
...

WITH
FIRST APPEAL NO. 1465 OF 2014

1. The State of Maharashtra
Through Collector, Osmanabad.
2. The Special Land Acquisition Officer
Manjra Project, Osmanabad.
3. The Executive Engineer,
Rehabilitation Integrated Unit
Osmanabad.

... **Appellants**
[Ori. Respondents]

Versus

Govind Madhav Jadhav.
Age Adult, Occu. Agril,
R/o Kavatha, Tq. Omerga, Dist. Osmanabad.

... **Respondent**
[Ori. Claimant]

...
Mr. D. J. Patil, AGP for Appellants / State.
Mr. V. V. Ingale, Advocate for Respondent.
...

WITH
FIRST APPEAL NO. 1464 OF 2014

1. The State of Maharashtra
Through Collector, Osmanabad.

2. The Special Land Acquisition Officer
Manjra Project, Osmanabad.
3. The Executive Engineer,
Rehabilitation Integrated Unit
Osmanabad.

... Appellants
[Ori. Respondents]

Versus

Babruwan Jyotiba Jadhav,
Age Adult, Occu. Agril,
R/o Kavatha, Tq. Omerga, Dist. Osmanabad..

... Respondent
[Ori. Claimant]

...
Mr. D. J. Patil, AGP for Appellants / State.
Mr. V. V. Ingale, Advocate for Respondent.

...

WITH

X-OBJECTION NO. 133 OF 2022
IN FA/1463/2014

Bhimrao Maruti Sawant (Died)
Through Lrs

- 1A). Bhanudas Bhimrao Sawant
Age 59 Years, Occ: Agri
R/o Kavatha, Tq. Omerga
Dist Osmanabad.
- 1B). Bharatbai Subhash Pawar
Age 61 Years, Occ: H.H.
R/o As Above
- 1C). Tejabai @ Sitabai Ram Mane
Age 57 Years, Occ: H.H
R/o As Above
- 1D). Janabai Tukaram Mohite
Age 55 Years, Occ: H.H.
R/o Killari, Tq. Ausa
Dist Latur.

... Appellants
(Ori. Res. In F.A.)

Versus

- 1). The State of Maharashtra,
Through Collector, Osmanabad,
Dist: Osmanabad.
- 2). The Special Land Acquisition Officer,
Manjara Project Osmanabad,
Dist Osmanabad.
- 3). The Executive Engineer,
Rehabilitation integrated Unit,
Osmanabad, Dist: Osmanabad.

... **Respondents**
(Ori. Appellants)

...
Mr. Vivekanand V. Ingale, Advocate for the Petitioners.
Mr. D. J. Patil, AGP for Respondents.

...

WITH**X-OBJECTION NO. 132 OF 2022**

IN FA/1464/2014

Babruwan Jotiba Jadhav
Age major, Occ : Agri,
R/o Kavatha, Tq. Omerga
Dist Osmanabad.

... **Appellant**
(Ori. Res. In F.A.)

Versus

- 1). The State of Maharashtra,
Through Collector, Osmanabad,
Dist: Osmanabad.
- 2). The Special Land Acquisition Officer,
Manjara Project Osmanabad,
Dist Osmanabad.
- 3). The Executive Engineer,
Rehabilitation integrated Unit,
Osmanabad, Dist: Osmanabad.

... **Respondents**
(Ori. Appellants)

...
Mr. Vivekanand V. Ingale, Advocate for the Petitioner.
Mr. D. J. Patil, AGP for Respondents.

...

WITH
X-OBJECTION NO. 131 OF 2022
 IN FA/1465/2014

Govind Madhav Jadhav
 Age major, Occ : Agri
 R/o Kavatha, Tq. Omerga
 Dist Osmanabad.

... **Appellant**
 (Ori. Res. In F.A.)

Versus

- 1). The State of Maharashtra,
 Through Collector, Osmanabad,
 Dist: Osmanabad.
- 2). The Special Land Acquisition Officer,
 Manjara Project Osmanabad,
 Dist Osmanabad.
- 3). The Executive Engineer,
 Rehabilitation integrated Unit,
 Osmanabad, Dist: Osmanabad.

... **Respondents**
 (Ori. Appellants)

...

Mr. Vivekanand V. Ingale, Advocate for the Petitioner.
 Mr. D. J. Patil, AGP for Respondents.

...

WITH
X-OBJECTION (STAMP) NO. 5690 OF 2020
 IN FA/1235/2012

Mahadappa Girmalappa Kalshetty (Died)
 Through Lrs

1A). Ram Mahadappa Kalshetti (Died)
 Through Lrs

1A-I) Smt. Usha Ramchandra Kalsheeti
 Age 53 Years, Occ: Agri & H.H.

- 1A-II) Yogeshwari Santosh Kalsheeti
Age 30 Years, Occ :H.H.
- 1A-III) Rohini Shivputra Kalsheeti
Age 29 Years, Occ:H.H.
- 1A-IV) Mohini Someshankar Kalsheeti
Age 29 Years, Occ :H.H.
- 1A-V) Pallavi Shivnand Kalsheeti
Age 28 Years, Occ:H.H.
- 1A-VI) Shubanghi Ramchandra Kalsheeti
Age 25 Years, Occ:H.H.
- 1B). Bajrang Mahaddapa Kalsheeti
Age 47 Years, Occ: Agri
- 1C). Tukaram Girmalappa Kalsheeti
(Died) Through Lrs
- 1C-I) Laxman Tukaram Kalshetti
Age 54 Years, Oc: Agri
- 1C-II) Satish Tukaram Kalsheeti
Age 47 Years, Occ: Agri
- 1C-III) Surekha Adinath Kshirasagar
Age 41 Years, Occ: H.H.
- 1C-IV) Varsha Shivraj Khantikar
Age 40 Years, Occ: H.H.

All R/o Kavatha, Tq. Omerga
Dist Osmanabad.

... Appellants
(Ori. Res. In F.A.)

Versus

- 1). The State of Maharashtra,
Through Collector, Osmanabad,
Dist: Osmanabad.
- 2). The Special Land Acquisition Officer,
Manjara Project Osmanabad,
Dist Osmanabad.

- 3). The Executive Engineer,
Rehabilitation integrated Unit,
Osmanabad, Dist: Osmanabad.

... **Respondents**
(Ori. Appellants)

...
Mr. Vivekanand V. Ingale, Advocate for the Petitioner.
Mr. D. J. Patil, AGP for Respondents.
...

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

DATE : 15th December, 2025.

ORAL JUDGMENT:

1 Heard the learned AGP for the State and the learned counsel for the claimants.

2 These first appeals are filed by the State and its authorities against the common judgment and award dated 3rd May, 2008, passed by the learned Reference Court, Omerga, District Osmanabad, in Land Acquisition Reference Nos.92 of 2005, 101 of 2005, 182 of 2005 and 187 of 2005, whereas the cross-objections are filed by the original claimants raising the grievance that inadequate compensation is awarded to them.

3 The learned AGP for the appellants in the first appeals

submitted that considering the quality and the market price of the acquired lands, the compensation awarded by the learned Reference Court is exorbitant. He also strongly opposed the cross-objections filed by the claimants. He, therefore, prayed to allow the first appeals filed by the State and set aside the impugned judgment and award and to dismiss the cross-objections filed by the claimants.

4 The learned counsel for the claimants submitted that the lands of the claimants are situated in one and the same village and it were acquired by one and the same notification. The claimants got compensation @ Rs.4/- per square foot though their lands are having N.A. potentialities. The impugned judgment and award is thus not legal. Therefore, the claimants are entitled to enhanced amount of compensation.

5 The learned counsel for the claimants pointed out the judgment delivered by this Court on 24th November, 2025, in ***First Appeal No.277 of 2013 (The State of Maharashtra and others Vs. Santosh Vishnu Dhumal)*** and other connected matters, by which the amount of compensation was enhanced upto Rs.25/- per square foot and by deducting Rs.5/- per square foot towards the development charges, finally Rs.20/- per square foot was awarded for the acquired

lands of the claimants.

6 Perused the record and proceedings, particularly, the impugned judgment and award and evidence on record.

7 It would be proper to reproduce paragraph Nos.4 and 5 in the judgment and award passed by this Court on 24th September, 2025 in ***First Appeal No.766 of 2013, (Manohar Kedari Sawant Vs. The State of Maharashtra and another)***, which reads as under:-

“4. The learned AGP vehemently opposed this appeal. She submits that the said acquiescence was only for the LAR No. 311/2005 and it cannot be generalized. Every land is distinct and the situation is also different. In the present case, she submits that the learned trial Judge has rightly appreciated the evidence and has awarded the rate. The learned SLAO, in fact, had considered all the relevant factors and had granted the rate by considering the rate to be Rs.42,000/- hectare that comes to Rs.10,000/- per Acre. She thus prays for rejection of the appeal.

5. This Court has gone through the judgment and award. It is seen that there was sale instance produced on record at Exh. 34 where the land consideration was shown to be Rs.25 per R., that would come nearly to Rs.25 per sq. foot. This Court finds that even if that sale deed is accepted, it is clear that when the land compensation is claimed in the unit of per sq. foot. It shows that there is N.A. potentiality, and therefore

the said deduction is required to be made. If that deduction is made the rate would come to Rs. 20 pr sq. foot. and that rate is already accepted by the Government. This Court, therefore, does not find any difficulty in accepting the rate to be Rs. 20 per sq. foot.”

8 From the above judgment of this Court, it is crystal clear that the claimants' lands are situated in one and the same village and acquired for one and the same project having N.A. potentialities situated near to Highway and thus those are commercial properties. Therefore, the claimants are entitled for the compensation at the rate of Rs.25/- per square foot as enhanced amount of compensation alongwith other benefits by applying principle of parity. However, it is clarified that already in First Appeal No.766 of 2013, Rs.5/- per square foot was deducted towards the development charges. Thus, the claimants are entitled for Rs.20/- per square foot as compensation for their acquired lands. With this, this Court found that there is no substance in the grounds of objections in all the first appeals. The first appeals filed by the State deserve to be dismissed. The cross-objections filed by the claimants deserve to be partly allowed on the principle of parity by partly setting aside the impugned judgment and awards. Hence, the following order:-

ORDER

- I. The first appeals are dismissed.
- II. The cross-objections are allowed. The impugned judgment and awards are partly modified as under:
- III. The claimants are entitled to receive compensation @ Rs.20/- per sq. ft. without any deduction for development charges.
- IV. The claimants are also entitled to receive the additional statutory benefits i.e. solatium, interest and components as provided in the Land Acquisition Act.
- V. If the delay is condoned by this Court while entertaining the cross-objections, the claimants are not entitled for interest amount and other statutory benefits for the said period.
- VI. The respondents shall deposit the enhanced amount of compensation within eight weeks from today with interest accrued thereon.
- VII. Pending civil applications, if any, also stand disposed of.

[SANJAY A. DESHMUKH, J.]