



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

42 FIRST APPEAL NO. 1814 OF 2023

RAMESH GOVINDRAO PATIL

VERSUS

THE STATE OF MAHARASHTRA THR THE COLLECTOR,
NANDED AND ORS

...

Advocate for Appellant : Ms. L. R. Thakur h/f Mr. Patil
Laxmikant C.

AGP for Respondent/s-State : Mr. S. V. Hange.

Advocate for Respondent No.3 : Ms. Zaware Suvarna M.

...

CORAM : SHAILESH P. BRAHME, J.
DATE : 18.12.2025

FINAL ORDER:-

1. Heard both sides finally with their consent.
2. Appellant is aggrieved by judgment and award dated 21.03.2009 passed by Reference Court in LAR.No.7 of 2005. The reliance is placed on the judgment of Co-ordinate Bench passed in group of appeals in the matter of Pandhari Dhondiba and others Vs. State of Maharashtra and others.
3. Learned counsel for the appellant submits that the house properties have been acquired for the self-same project and this Court has taken consistent view in awarding the compensation by accepting the valuation report of the private valuer outrightly. It is submitted that on the ground of parity,

valuation report showing Rs.1,73,322/- needs to be awarded to the appellant by quashing the impugned judgment and award.

4. Learned counsel for the acquiring body would submit that ground of parity is not attracted in the matter. Appellant has failed to make out any case for enhancement of the compensation. The Reference Court has adequately awarded the compensation.

5. Appellant's house properties to the extent of constructed area of 34.50 sq.mtr. from village Marajwadi, Gram Panchayat House No.270/3 and open space 121.50 sq.mtr. have been acquired for Lendy project. The notification under Section 4 was issued on 23.12.1997 and award was passed under Section 11 on 26.03.2002. The SLAO awarded compensation of Rs.51,931/- for constructed area and Rs.40/- per sq.mtr. for the open space. The Reference Court enhanced it to Rs.64,913/- and Rs.60/- per sq.mtr. for the open space.

6. In similarly situated matters, the house properties from village Marajwadi was acquired. Gram Panchayat house property Nos.161 and 162 from the self-same village were acquired and the compensation was awarded as per the private valuer's report. Those properties are from same vicinity of the village. In the present case also, the self-same valuer Mr.

Shrishant Barbade was examined by the appellant before the Reference Court. His valuation report is proved and marked at Exh.14 disclosing valuation of Rs.1,73,322/-. There is no reason for me to deviate from the course in accepting the valuation report. The present case is squarely covered by common judgment rendered by Co-ordinate Bench in First Appeal No.2270 of 2014. The appellant is entitled to compensation of Rs.1,72,322/- for the constructed area as well as open space. I, therefore, pass following order :

ORDER

- (i) First appeal is allowed partly.
- (ii) Impugned judgment and award shall stand modified and the appellant shall be entitled to receive the compensation of Rs.1,72,322/- for constructed area as well as open space.
- (iii) Appellant shall be entitled to receive interest under Section 28 and 34 from the date of award i.e. 26.03.2002.
- (iv) Save and except above modification. Rest of the impugned judgment and award shall unaltered.
- (v) The appellant shall not be entitled to interest and statutory benefits for the delayed period.
- (vi) The appellant shall pay deficit court fees, if any.
- (vii) Award be drawn accordingly.

(viii) Record and proceeding be sent back to the concerned Court.

(SHAILESH P. BRAHME, J.)

...

vmk/-