



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

FIRST APPEAL NO. 3103 OF 2013

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

... Appellants
[Ori. Respondents]

Versus

Nilkanth Vishwanath Sonwane,
Age- Adult, Occup. Agriculture.
R/o. Kavtha Tal. Omerga
District Osmanabad.

... Respondent
[Ori. Claimant]

...
Mr. S. B. Jadhav, AGP for Appellants / State.
Mr. V. V. Ingale, Advocate for Respondent.
...

WITH

X-OBJECTION (STAMP) NO. 10416 OF 2017
IN FA/3103/2013

Nilkanth s/o Vishwanath Sonwane
Age 66 Years, 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.

... Respondents
(Ori. Appellants)

...
Mr. Vivekanand V. Ingale, Advocate for the Petitioner.
Mr. S. B. Jadhav, 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 claimant.

2 The first appeal is filed by the State and its authorities against the judgment and award dated 7th October, 2011, passed by the learned Reference Court, Omerga, District Osmanabad, in Land Acquisition Reference No.44 of 2008, whereas the cross-objection is filed by the original claimant raising the grievance that inadequate compensation is awarded to him.

3 The learned AGP for the appellants in the first appeal 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-objection filed by the claimant. He, therefore, prayed to allow the first appeal filed by

the State and set aside the impugned judgment and award and to dismiss the cross-objection filed by the claimant.

4 The learned counsel for the claimant submitted that the land of the claimant is situated in one and the same village and it was acquired by one and the same notification. The claimant got compensation @ Rs.43/- per square meter though his land is having N.A. potentiality. The impugned judgment and award is thus not legal. Therefore, the claimant is entitled to enhanced amount of compensation.

5 The learned counsel for the claimant 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 claimant's land is situated in one and the same village and acquired for one and the same project having N.A. potentiality situated near to Highway and thus it is commercial property. Therefore, the claimant is 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 claimant is entitled for Rs.20/- per square foot as compensation for his acquired land. With this, this Court found that there is no substance in the grounds of objections in the first appeal. The first appeal filed by the State deserves to be dismissed. The cross-objection filed by the claimant deserves to be partly allowed on the principle of parity by partly setting aside the impugned judgment and award. Hence, the following order:-

ORDER

- I. The first appeal is dismissed.
- II. The cross-objection is allowed. The impugned

judgment and awards is partly modified as under:

- III. The claimant is entitled to receive compensation @ Rs.20/- per sq. ft. without any deduction for development charges.
- IV. The claimant is 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-objection, the claimant is 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.]