



(1)

34-FA-1482-2014 STM

order is corrected pursuant to speaking to minutes of order dated 29.09.2025.

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

34 FIRST APPEAL NO. 1482 OF 2014

Sayed Kasimali Bashirali And Ors

VERSUS

The State Of Maharashtra And Anr.

AND

FIRST APPEAL NO. 1870 OF 2015

The State Of Maharashtra And Anr.

VERSUS

Sayed Kasimali Bashirali And Ors

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Mr. Vijay B. Patil, Advocate for Appellant in FA/1482/2014 and Respondent in FA/1870/2015.

Mr. R. B. Dhaware, AGP for Appellant State in FA/1870/2015 and Respondent in FA/1482 of 2014.

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CORAM : KISHORE C. SANT, J.

DATE : 8th SEPTEMBER 2025.

PC :-

1. Heard Mr. Patil, the learned Advocate for the appellants and learned AGP for Respondent-State. The matter is taken up for final disposal as the record is received.

2. The appellants have filed appeal seeking enhancement in the

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amount of compensation. The reference was partly allowed by the learned 3rd Civil Judge Senior Division, Latur in LAR No.553/1999 on 30th June 2009, granting compensation @ Rs.30 per sq.ft. with statutory benefits. The appellants have come to this Court praying for compensation at the rate of Rs.60 per sq.ft.

3. The land of the appellants came to be acquired by the learned SLAO for the purpose of construction of Administration Building, Tahasil Office, Renapur. The acquired land is 99 R from Gut No.1088 and 18.5R from Gut No.1089. The total land acquired is 1H and 17.5R. A notification under Section 4 of the Land Acquisition Act was issued on 4th January 1996. The claimant filed reference under Section 18 of the said Act, claiming compensation @ Rs.60 per sq.ft. The learned Reference Court, however, granted rate @ Rs.30 per sq.ft. The appellants are thus before this Court challenging the impugned judgment and award.

4. The learned Advocate Mr. Patil, vehemently argued that the learned Court has failed to appreciate the evidence. The compensation

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ought to have been granted @ 60 per sq.ft. There was sufficient evidence produced before the Court. However, the same is not considered. He relied upon the judgment passed by this Court in First Appeal No. 874 of 2009 in the case of ***Sayed Matinali Ilahi Baksha and Ors. Vs. The State of Maharashtra and Anr.*** He submits that the land of Sayed Matinali is also acquired from the same project. In the First Appeal, he was given the compensation @ 60 per sq. ft. by deducting 20% amount towards development of land. This judgment in the case of Sayed Matinali is based on the Division Bench judgment of this Court passed in First Appeal No.444 of 2010 in the case of ***Sharad Shankarappa Hadkude and Ors. Vs. The State and Ors.*** with connected matters. From the award, he points out that the land of Mr. Sharad Hadkude is acquired from Gut No.1091 and 1092, whereas the land of the appellant is acquired from Gut No.1088 and 1089 for the same project. He submits that therefore the same rate which is given to Sayed Matinali and Sharad Hadkude needs to be granted to the appellant as well. He further points out that even trees compensation is granted at

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much lower rate. The total valuation as per the valuer was Rs.1,24,282/-. However, the same is granted only Rs.70,000/-. Towards the valuation of well, the valuer had given the value of Rs.28,639/-. The same is granted to Rs.20,000/-. The valuation of cattle shed was shown to be Rs.8,548/-, the court has granted Rs.6,000/-. He thus prays for allowing the appeal by granting compensation @ 60 per sq. feet and towards fruits trees of Rs.1,24,282/- and the valuation ought to have been granted as per the rate given by the valuer.

5. The learned AGP vehemently opposed the appeal. He submits that the reference Court has rightly considered all the aspects. The evidence is properly considered and it is only upon that the rate was rightly granted to Rs.30 per sq. feet. About trees, well and the cattle shed, he submits that there also, the court has rightly done the calculation and no interference is required.

6. This Court has gone through the impugned judgment and award. This Court does not find any infirmity or illegality so far as granting the compensation towards fruit bearing trees, well and towards cattle shed.

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So far as compensation of land is concerned, this Court finds that the division bench of this Court has already granted rate of Rs.60 per sq. feet in FA/444/2010, the same is also granted in FA/874/2009. This court therefore does not find any difficulty in accepting the case of the appellant that the appellant also would be entitled to receive the same compensation at the same rate given to the appellant in First Appeal No. 444/2010 and First Appeal No.874/2009.

7. So far as First appeal filed by the State is concerned, for the reasons discussed above, this court does not find any merit in the appeal filed by the State. The appeal filed by the State needs to be dismissed. Hence, the following order:

ORDER

- (i) First Appeal No.1482 of 2014 is partly allowed.
- (ii) First Appeal No.1870 of 2015 stands dismissed.
- (iii) The Land Acquisition Reference No.553/1999 stands partly allowed.

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(iv) The respondents in FA/1482/2014 are directed to pay with difference amount of compensation to the claimant @ of Rs.60 per sq. feet after deducting the market value of development of land to the extent of 20%.

(v) The claimants are entitled to receive 30% solatium on the market price, 12% increase from the date of notification u/s. 4 i.e. 04.01.1996 to the date of award i.e. 31.10.1998.

(vi) The respondents No.1 and 2 in FA/1482/2014 are hereby directed to pay to claimants, the interest at the rate of 9% p.m. from 04.01.1996 for first year and thereafter, at the rate of 15% p.a. till the realization of the entire amount.

(vii) Decree be drawn up accordingly.

(viii) The claimant has already withdrawn the amount by giving bank guarantee. Since now the appeal is allowed, the bank guarantee stands discharged.

(7)

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- (ix) With this, first appeals stand disposed off.
- (x) Pending civil applications, if any, stand disposed off.

[KISHORE C. SANT, J.]