



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

904 FIRST APPEAL NO. 671 OF 2011

Brijlal Sadashiv Patil
Through L.Rs.

1. Arjun Brijlal Patil
Age : 65 years,
2. Prabhakar Brijilal Patil,
Age, 57 years,
3. Sharad Brijilal Patil,
Age, 55 years,
4. Vilas Brijilal patil,
Age, 53 years,
5. Smt. Radhabai W/o Brijilal Patil,
Age: 80 years,
6. Latabai W/o Bhagwan Patil,
Age, 51 years

All R/o Lonkheda Tq. Shahada
Dist. Nandurbar

**...APPELLANTS
(Ori. Applicants)**

VERSUS

1. The Special Land Acquisition Officer ,
Medium Project, Dhule
2. The State of Maharashtra,
Through the Collector, Dhule
3. The Executive Engineer,
Medium Project, Dhule

**...RESPONDENTS
(Orig. Opponents)**

...

Mr. D. M. Pingale, Advocate for the Appellants
Mr. A. A. A. Khan, AGP for Respondents/State

Ms. Chaitali Choudhari-Kutti, Advocate for Respondent No.3

CORAM : SANJAY A. DESHMUKH, J.

DATE : 20.11.2025

ORAL JUDGMENT :-

1. This appeal is preferred against the judgment and award dated 04.01.2003 passed by the Learned Civil Judge, Senior Division, Shahada in Land Acquisition Reference No.31 of 2000.

2. The Appellants / claimants owned and possessed land Gut No.87/1 (P) admeasuring 1 H 23 R situated at Chandsaili Tq. Shahada Dist. Nandurbar. The said land came to be acquired by the State for the purpose of construction of minor irrigation tank "Susari" by notification dated 29.12.1995. The Special Land Acquisition Officer passed an award on 27.02.1999 and awarded compensation to the appellants / claimants at the rate of Rs.56,000/- per hectare against which the appellants / claimants preferred the Reference proceeding under Section 18 of the Land Acquisition Act, 1894. The Reference Court considering the submissions of both the sides, enhanced the compensation at the rate of Rs.1,75,000/- per Hectare. Feeling aggrieved by the impugned judgment and award passed by the Reference Court, the appellants / claimants preferred this first appeal under Section 54 of the Land Acquisition Act, 1894.

3. Mr. D. M. Pingale, learned advocate for the appellants / claimants pointed out the copy of the judgment passed by this Court in First Appeal No.670 of 2011 dated 27.04.2022. It was decided by placing reliance on the judgment delivered by this Court in First Appeal No.133 of 2007 along with other connected appeals which had been decided on 25.01.2021 on their own merits. He submitted that out of that group, only this present appeal remains to be decided. He further submitted that this appeal is covered by the common judgment delivered by this Court in First Appeal No.133 of 2007 with connected first appeals decided on 25.01.2021, as well as the judgment dated 27.04.2022 passed in First Appeal No.670 of 2011. He, therefore, prays for grant of similar relief by enhancing the amount of compensation to Rs.2,00,000/- per hectare, as awarded by this Court in the above said appeals on the principle of parity.

4. Learned AGP for the State strongly opposed the appeal and submitted that just and proper compensation is awarded by the learned Reference Court. He lastly prayed to dismiss the appeal.

5. Perused the impugned judgment, the Record and Proceedings, and particularly the judgment passed in First Appeal No.670 of 2011, wherein the same view was taken by this Court.

Considering the submissions of both sides, as well as the common judgment and award passed by this Court on 25.01.2021 in First Appeal No.133 of 2007 with connected first appeals, and the judgment in First Appeal No.670 of 2011 decided on 27.04.2022, the claimants / appellants are entitled for the compensation at the rate of Rs.2,00,000/- per hectare on the principle of parity. Considering this aspect, it is not necessary to discuss the detailed evidence on record. The appeal, therefore, deserves to be allowed, as it is covered by the aforesaid judgments. Hence, the following order:

::ORDER::

- I. The First Appeal is partly allowed as under;
 - (a) The award passed in L.A.R. No.31 of 2000 by the Civil Judge, Senior Division Shahada is hereby modified as under:
 - (i) The appellants / claimants are entitled to get compensation in respect of their acquired land at the rate of Rs.2,00,000/- per hectare along with statutory benefits and interest in terms of the provisions under the Land Acquisition Act, 1894.
 - (ii) The additional compensation together with statutory benefits shall be paid to the appellant / claimant within six months from the date of this judgment and order. If the said amount is not paid within the stipulated period, the claimants are entitled to execute this judgment and

award accordingly.

(iii) Award be drawn up accordingly.

(II) The claimants to pay the deficit Court fees, if any.

(III) The payment made by the State earlier shall be deducted while determining the difference amount i.e., enhanced compensation.

(IV) The Record and Proceedings be sent to the concerned Reference Court.

(V) The appeal is disposed of.

(VI) Pending Civil Applications, if any, stand disposed of.

[SANJAY A. DESHMUKH, J.]

HRJadhav