



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

FIRST APPEAL NO. 3681 OF 2019

Uddhav Aba Muluk
(Died through L.Rs.)

1. Ankush S/o Uddhav Muluk,
Age : 58 Years, Occu. : Agril.,
R/o Tandulwadi, Tq. Paranda,
Dist. Osmanabad.
2. Shankar S/o Uddhav Muluk,
Age : 43 Years, Occu. : Agril.,
R/o As above.
3. Lata Bharat Chavan,
Age : 63 Years, Occu. : Agril.,
R/o Undegaon, Tq. Madha,
Dist. Solapur.
4. Uma Ajinath Talekar,
Age : 53 Years, Occu. : Agril.,
R/o Kem, Tq. Karmala,
Dist. Solapur.
5. Padmin Bibishan Hore,
Age : 46 Years, Occu. : Agril.,
R/o Tandulwadi, Tq. Paranda,
Dist. Osmanabad.
6. Sukeshani Prakash Bhosale,
Age : 43 Years, Occu. : Agril.,
R/o Komalwadi, Tq. Georai,
Dist. Beed.

.. Appellants

Versus

1. The State of Maharashtra,

Through Collector, Osmanabad.

2. The Executive Engineer,
Minor Irrigation, Osmanabad.
3. Special Land Acquisition Officer,
C/o Sub Divisional Office, Bhoom,
Tq. Bhoom, Dist. Osmanabad. .. Respondents

**WITH
FIRST APPEAL NO. 3682 OF 2019**

- Babu Bhanudas Jagtap
(Died through L.Rs.)
1. Sharda W/o Janardhan Jadhav
Age : 52 Years, Occu. : Agril.,
R/o Patoda, Tq. Patoda,
Dist. Beed.
2. Surekha Sitaram Dhobale,
Age : 49 Years, Occu. : Agril.,
R/o Kada, Tq. Ashti, Dist. Beed.
3. Kavita Dhanaji Padwal,
Age : 45 Years, Occu. : Agril.,
R/o Shindewadi, Tq. Madha,
Dist. Solapur.
4. Maharudra Baburao Jagtap,
Age : 41 Years, Occu. : Agril.,
R/o Tandulwadi, Tq. Paranda,
Dist. Osmanabad.
5. Chitra Navnath Tipale,
Age : 37 Years, Occu. : Agril.,
R/o Kumbephal, Tq. Paranda,
Dist. Osmanabad.
6. Asha Baburao Jagtap,
Age : 47 Years, Occu. : Agril.,

R/o Tandulwadi, Tq. Paranda,
Dist. Osmanabad.

.. Appellants

Versus

1. The State of Maharashtra,
Through Collector, Osmanabad.

2. The Executive Engineer,
Minor Irrigation, Osmanabad.

3. Special Land Acquisition Officer,
C/o Sub Divisional Office, Bhoom,
Tq. Bhoom, Dist. Osmanabad.

.. Respondents

Shri S. S. Jadhavar, Advocate for the Appellants in both matters.
Shri B. A. Shinde, A.G.P. for the Respondent Nos. 1 and 3 in both matters.

CORAM : SHAILESH P. BRAHME, J.

CLOSED FOR JUDGMENT ON : 01.10.2025
JUDGMENT PRONOUNCED : 09.10.2025

JUDGMENT :-

. Heard both sides.

2. These appeals can be decided by common judgment and order as they are emanating from self same acquisition proceedings and a common judgment and award passed by the Reference Court is under challenge.

3. Appellants are the claimants, who are aggrieved by common judgment and award dated 15.06.2015 passed by Civil

Judge Senior Division, Paranda in L.A.R. No. 600 of 2011 and L.A.R. No. 598 of 2011. Their lands were acquired for percolation tank situated at village Tandalwadi, Tq. Paranda, Dist. Osmanabad. They are the owners of the agricultural lands. The notification U/Sec. 4 of the Land Acquisition Act (hereafter referred as to the “L. A. Act” for the sake of brevity and convenience) was published on 28.10.1999. Notification of the U/Sec. 6 of the L. A. Act was published on 28.02.2002. A final award was passed on 31.03.2003. Appellants had withdrawn the amount deposited in pursuance of the award under the protest. Simultaneously, they preferred references were preferred.

4. In First Appeal No. 3681 of 2019 part of land gut No. 790 and in First Appeal No. 3682 of 2019 part of gut No. 792 were acquired. The possession was taken over by the acquiring body in both cases on 26.11.1997.

5. Following are the relevant details in both the appeals.

Sr. No.	F. A. No.	LAR No.	Area	Market Value Rs.	Awarded Amount Rs.	Entitlement Rs.
1	3681/2019	600/2011	01H 00R	1,00,000/- per acre	1,70,000	2,50,000/-
2	3682/2019	598/2011	00H 18R	1,00,000/- per acre	25,000/-	45,000/-

6. Before the Reference Court they made out a case of enhancement of compensation. It was contended that their land

was rich black cotton soil having superior quality. However, both of them restricted their claim to the amount of Rs. 25,000/- in L.A.R. No. 598 of 2011 and Rs. 1,73,035/- in L.A.R. No 600 of 2011.

7. The Reference Court considered the sale instances and the relevant record. By reasoned order they are held to be entitled for the enhancement of the compensation. The last column of above table shows their entitlement. However, due to their restriction of the compensation as they were unable to pay the Court Fees, the enhancement as per their entitlement was not granted. In L. A. R. No. 598 of 2011 additionally Rs. 20,000/- is to be paid. In L.A.R. No. 600 of 2011 Rs. 80,000/- is to be paid.

8. Learned counsel Mr. Jadhavar for the appellants submits that once the appellants are held to be entitled for more compensation, the compensation as per the entitlement should have been granted subject to payment of deficite Court fees. He would submit that the Reference Court has committed perversity and illegality in awarding the compensation to the restricted claim. He tenders on record the judgment of the Supreme Court in the matter of Ambya Kalya Mhatra (D) by L.Rs. and others Vs. State of Maharashtra reported in *AIR 2011 SC (SUPP) 625*. I have gone through the paragraph No. 19 of the judgment. He has further referred to the **judgment dated 19.06.2019 of the Coordinate Bench in the matter of Vasant Laxmanrao Dalal Vs. The State of Maharashtra and others in F. A. No. 604 of 2012**, which inter

alia refers to the judgment referred above. It is held that the Reference Court is empowered to award the compensation notwithstanding the claim is restricted to particular amount by the claimant, but the same shall be subject to payment of deficit court fees from the claimant. I find substance in the submissions of the appellants. Both the appeals deserve to be allowed because the entitlement for more compensation has already been recorded by reasoned order of the Reference Court.

9. Learned A. G. P. has made a submission that while awarding interest U/Sec. 34 of the L. A. Act instead of awarding it from the date of award, it has been awarded from the date of notification. He places reliance on the Full Bench judgment of this Court in the matter of State of Maharashtra Vs. Kailash Shiva Rangari reported in *2016 (4) All MR 513 (F.B.)*.

10. In the present case the possession of the acquired land was taken on 26.11.1997, whereas notification U/Sec. 4 of the L. A. Act was issued on 28.10.1999. The appellants-claimants are entitled to receive interest from the date of award i. e. 31.03.2003. Reference Court committed patent illegality in awarding interest from the date of notification. The submission of the learned A. G. P. has to be accepted.

11. For the aforesaid reasons, I pass following order.

O R D E R

- A. Both first appeals are partly allowed.
- B. The appellants in First Appeal No. 3681 of 2019 are entitled to enhanced compensation of Rs. 2,50,000/- and appellants in First Appeal No. 3682 of 2019 are entitled to enhanced compensation of Rs. 45,000/-.
- C. In both appeals they are entitled to receive interest as provided by operative para No. 6 of the impugned common judgment with effect from the date of award i. e. 31.03.2003.
- D. Rest of the award is maintained.

[SHAILESH P. BRAHME J.]

bsb/Oct. 25