



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

FIRST APPEAL NO. 1103 OF 2025

Shantabai Gopalrao Patil

.. Appellant

Versus

The State Of Maharashtra

Through The Collector, Osmanabad And Another .. Respondents

**WITH
CIVIL APPLICATION NO. 10333 OF 2024
IN FA/1103/2025**

Shantabai Gopalrao Patil

.. Applicant

Versus

The State Of Maharashtra

Through The Collector, Osmanabad And Another .. Respondents

Mr. Arun H. Koralkar, Advocate for the Appellant/Applicant.

Mr. R. B. Dhaware, AGP for Respondent Nos. 1 & 2.

CORAM : KISHORE C. SANT, J.

DATE : 14th OCTOBER, 2025.

PER COURT :-

1. Heard learned advocate fo the appellant – original claimant and learned A.G.P for the respondent – State.
2. This appeal arises out of the Land Acquisition Reference

No. 180/2005 decided by the learned C.J.S.D., Omerga. The reference was filed under section 18 of the Land Acquisition Act. The land of the appellant came to be acquired for the purpose of rehabilitation of earthquake affected persons from village Kavtha. A notification under section 4 of the Land Acquisition Act came to be issued on 18.08.1994. Award was passed on 23.04.1996. The learned S.L.A.O. awarded compensation at the rate of Rs. 320/- per R that comes to Rs. 1.5 per sq. ft. The claimant filed a reference claiming rate of Rs. 275/- per sq. mtr as valued by private valuer. The learned Reference Court, however, granted compensation at the rate of Rs. 1.25/- per sq. ft. The total compensation granted was Rs. 1,12,440/-. This appeal is field challenging the said judgment to the extent of not allowing the reference totally.

3. The learned advocate for the appellant mainly argues that, from the same acquisition proceedings another reference was filed by one Dhondabai Sambhaji Shinde bearing L.A.R. No. 311/2005 (Old No. 221/1998). He submits that, in the said reference, the learned Reference Court considered the adequate compensation to be Rs. 20/- per sq. ft. and deducted 32% area towards

development. The learned advocate thus submits that, against the said award no appeal is preferred by the Government. The Government has accepted the said award. The amount is also deposited in the execution filed by the said claimants in L.A.R. No. 311/2005. He submits that, the Government has to give equal rate to all the lands. He further relied upon following judgments :

(i) Ningappa Thotappa Angadi (Dead) Through Legal Representatives Vs. Special Land Acquisition Officer and another reported in (2020) 19 SCC 599.

(ii) Narendra and others Vs. State of Uttar Pradesh and others reported in (2017) 9 SCC 426.

(iii) Vasant Laxmanrao Dalal Vs. State of Maharashtra and others reported in 2019 (6) Mh.L.J. 900.

4. The learned A.G.P. on the other hand opposes the appeal. He submits that, in award in L.A.R. No. 311/2005, the authorities had not take decision to prefer appeal in that particular reference. The situation of the land in both the cases is equal. The learned Trial Judge has rightly appreciated the evidence and has granted the rate which is adequate.

5. After having heard the parties this Court finds that, this Court need not go into much details and need not also consider the judgments which are cited by the appellant. This is in view of the fact that, the Government has accepted the judgment and award in L.A.R. No. 311/2005 there is no dispute that the said judgment is accepted and no appeal is preferred by the Government challenging the said judgment and award. This Court finds that, no different view need to be taken when already Government has accepted the said reference. Therefore, in the present case, following order :

ORDER

- (I) The first appeal stands partly allowed.
- (II) The appellant is held to be entitled to receive compensation at the rate of Rs. 20/- per sq. ft. There shall be deduction of 32% of the area.
- (III) The amount be deposited within twelve weeks from today in the office of this Court.
- (IV) Fresh award be passed.

(V) Needless to say that, the appellant shall be entitled to all the benefits from the date of passing of the award in view of the judgment in the case of State of Maharashtra Vs. Kailas Shiva Rangari reported in 2016 (3) Mh.L.J. 457.

(VI) With this, the first appeal stands disposed of.

(VII) If there is deficit Court fees, the same shall be first recovered before payment of compensation.

(VIII) In view of disposal of the first appeal, civil application does not survive and the same is also disposed of.

(KISHORE C. SANT, J.)

P.S.B.