



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

FIRST APPEAL NO. 1752 OF 2022

Kishor S/o Ramrao Mangalgire
Age : 45 years, Occ : Agri.,
R/o Babhalgaon, Tq. and Dist. Latur.

..APPELLANT

-VERSUS-

1. The State of Maharashtra
Through the District Collector,
Latur, Tq. & Dist. Latur.
2. The Spl. Land Acquisition Officer,
Minor Irrigation Work, Latur,
Tq. & Dist. Latur.
3. The Executive Engineer,
Minor Irrigation,
Local Section Latur, Tq. & Dist. Latur.

..RESPONDENTS

WITH

FIRST APPEAL NO. 1750 OF 2022

Rukminbai Narayan Kukale
(Deceased through L.Rs.)
Balasaheb S/o Narayan Kukale
Age : 35 years, Occ : Pvt. Service & Agri.,
R/o Babhalgaon, Tq. and Dist. Latur.

..APPELLANT

-VERSUS-

1. The State of Maharashtra
Through the District Collector,
Latur, Tq. & Dist. Latur.
2. The Spl. Land Acquisition Officer,
Minor Irrigation Work, Latur,
Tq. & Dist. Latur.
3. The Executive Engineer,
Minor Irrigation,
Local Section Latur, Tq. & Dist. Latur.

..RESPONDENTS

WITH
FIRST APPEAL NO. 1751 OF 2022

Kamalbai S/o Laxman Shrigandhe
Age : 53 years, Occ : Agri.,
R/o Babhalgaon, Tq. and Dist. Latur.

..APPELLANT

-VERSUS-

1. The State of Maharashtra
Through the District Collector,
Latur, Tq. & Dist. Latur.
2. The Spl. Land Acquisition Officer,
Minor Irrigation Work, Latur,
Tq. & Dist. Latur.
3. The Executive Engineer,
Minor Irrigation,
Local Section Latur, Tq. & Dist. Latur.

..RESPONDENTS

WITH
FIRST APPEAL NO. 1749 OF 2022

Namdeo S/o Balram Gomare
Age : 50 years, Occ : Agri.,
R/o Babhalgaon, Tq. and Dist. Latur.

..APPELLANT

-VERSUS-

1. The State of Maharashtra
Through the District Collector,
Latur, Tq. & Dist. Latur.
2. The Spl. Land Acquisition Officer,
Minor Irrigation Work, Latur,
Tq. & Dist. Latur.
3. The Executive Engineer,
Minor Irrigation,
Local Section Latur, Tq. & Dist. Latur.

..RESPONDENTS

WITH
FIRST APPEAL NO. 1656 OF 2022

Govind Nivrutti Mashal

Age : 62 years, Occ : Agri.,
R/o Babhalgaon, Tq. and Dist. Latur.

..APPELLANT

-VERSUS-

1. The State of Maharashtra
Through the District Collector,
Latur, Tq. & Dist. Latur.
2. The Spl. Land Acquisition Officer,
Minor Irrigation Work, Latur,
Tq. & Dist. Latur.
3. The Executive Engineer,
Minor Irrigation,
Local Section Latur, Tq. & Dist. Latur.

..RESPONDENTS

WITH

FIRST APPEAL NO. 1659 OF 2022

Yenka S/o Sakharam Shelke
Age : 65 years, Occ : Agri.,
R/o Dhanegaon, Tq. and Dist. Latur.

..APPELLANT

-VERSUS-

1. The State of Maharashtra
Through the District Collector,
Latur, Tq. & Dist. Latur.
2. The Spl. Land Acquisition Officer,
Minor Irrigation Work, Latur,
Tq. & Dist. Latur.
3. The Executive Engineer,
Minor Irrigation,
Local Section Latur, Tq. & Dist. Latur.

..RESPONDENTS

WITH

FIRST APPEAL NO. 1658 OF 2022

Trimbak S/o Bapurao Shelke (Died)
Through L.Rs.

1. Trivenibai Trimbak Shelke
Age : 60 years, Occ : Agri.
(Died Through L.Rs. Appellant
Nos.2 to 5 already on record)
(Deleted as per Ld. Registrar (Judicial))

order dated 21.01.2025)

2. Pushpa Sugriv Kale
Age : 40 years, Occ : Agri.,
3. Saraswati Pandurang Mane
Age : 35 years, Occ : Agri.,
4. Sundar Laxman Kaspate
Age : 40 years, Occ : Agri.,
5. Gorakhnath Trimbak Shelke
Age : 27 years, Occ : Agri.,

All R/o Dhanegaon, Tq. & Dist. Latur.

..APPELLANTS

-VERSUS-

1. The State of Maharashtra
Through the District Collector,
Latur, Tq. & Dist. Latur.
2. The Spl. Land Acquisition Officer,
Minor Irrigation Work, Latur,
Tq. & Dist. Latur.
3. The Executive Engineer,
Minor Irrigation,
Local Section Latur, Tq. & Dist. Latur.

..RESPONDENTS

WITH

FIRST APPEAL NO. 1660 OF 2022

Arun S/o Lingram Chamle
Age : 62 years, Occ : Agri.,
R/o Dhanegaon, Tq. and Dist. Latur.

..APPELLANT

-VERSUS-

1. The State of Maharashtra
Through the District Collector,
Latur, Tq. & Dist. Latur.
2. The Spl. Land Acquisition Officer,
Minor Irrigation Work, Latur,
Tq. & Dist. Latur.

3. The Executive Engineer,
Minor Irrigation,
Local Section Latur, Tq. & Dist. Latur.

..RESPONDENTS

WITH

FIRST APPEAL NO. 1657 OF 2022

Bhagwat S/o Raosaheb Boyane
Age : 60 years, Occ : Agri.,
R/o Babhalgaon, Tq. and Dist. Latur.

..APPELLANT

-VERSUS-

1. The State of Maharashtra
Through the District Collector,
Latur, Tq. & Dist. Latur.
2. The Spl. Land Acquisition Officer,
Minor Irrigation Work, Latur,
Tq. & Dist. Latur.
3. The Executive Engineer,
Minor Irrigation,
Local Section Latur, Tq. & Dist. Latur.

..RESPONDENTS

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Mr. P.P. More h/f Mr. Y.K. Bobade, Advocate for appellant/s in F.A.
Nos.1752/2022, 1750/2022, 1751/2022

Mr. S. S. Panale, Advocate for Appellant/s in FA nos.1749/2022,
1656/2022, 1659/2022, 1658/2022, 1660/2022, 1657/2022

Mrs. V. S. Chaudhari, AGP for Respondent/State

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WITH

FIRST APPEAL NO. 3719 OF 2019

1. The State of Maharashtra,
through the Collector, Latur.
2. The Executive Engineer,
Minor Irrigation Division,
(Local Sector), Latur.
3. The Special Land Acquisition Officer,
Minor Irrigation, Latur.

..APPELLANTS

-VERSUS-

Kishor Ramrao Mangalgire

Age : Major, Occ : Agri.,
R/o Babhalgaon, Tq. & Dist. Latur.

..RESPONDENTS

WITH

FIRST APPEAL NO. 3718 OF 2019

1. The State of Maharashtra,
through the Collector, Latur.
2. The Executive Engineer,
Minor Irrigation Division,
(Local Sector), Latur.
3. The Special Land Acquisition Officer,
(L.M.I.), Latur, Dist. Latur.

..APPELLANTS

-VERSUS-

Bhagwat S/o Raosaheb Boyane
Age : Major, Occ : Agri.,
R/o Dhanegaon, Tq. & Dist. Latur.

..RESPONDENTS

WITH

FIRST APPEAL NO. 3714 OF 2019

1. The State of Maharashtra,
through the Collector, Latur.
2. The Executive Engineer,
Minor Irrigation Division,
Local Sector, Latur.
3. The Special Land Acquisition Officer,
(L.M.I.), Latur, Dist. Latur.

..APPELLANTS

-VERSUS-

Govind S/o Nivruti Mashal
Age : Major, Occ : Agri.,
R/o Babhalgaon, Tq. & Dist. Latur.

..RESPONDENTS

WITH

FIRST APPEAL NO. 3721 OF 2019

1. The State of Maharashtra,

through the Collector, Latur.

2. The Executive Engineer,
Minor Irrigation Division,
(Local Sector), Latur.
3. The Special Land Acquisition Officer,
Minor Irrigation, Latur.

..APPELLANTS

-VERSUS-

Kamalbai Laxman Shrigandhe
Age : Major, Occ : Agri.,
R/o Babhalgaon, Tq. & Dist. Latur.

..RESPONDENTS

WITH

FIRST APPEAL NO. 3720 OF 2019

1. The State of Maharashtra,
through the Collector, Latur.
2. The Executive Engineer,
Minor Irrigation Division,
(Local Sector), Latur.
3. The Special Land Acquisition Officer,
Minor Irrigation, Latur.

..APPELLANTS

-VERSUS-

Rukhminibai Narayan Kukale (Died)
Through its L.R.

Balasaheb Narayan Kukale
Age : Major, Occ : Agri.,
R/o Babhalgaon, Tq. & Dist. Latur.

..RESPONDENTS

WITH

FIRST APPEAL NO. 3722 OF 2019

1. The State of Maharashtra,
through the Collector, Latur.
2. The Executive Engineer,
Minor Irrigation Division,
(Local Sector), Latur.

3. The Special Land Acquisition Officer,
Minor Irrigation, Latur.

..APPELLANTS

-VERSUS-

Namdeo Balram Gomare
Age : Major, Occ : Agri.,
R/o Babhalgaon, Tq. & Dist. Latur.

..RESPONDENTS

WITH

FIRST APPEAL NO. 3716 OF 2019

1. The State of Maharashtra,
through the Collector, Latur.
2. The Executive Engineer,
Minor Irrigation Division,
Local Sector, Latur.
3. The Special Land Acquisition Officer,
(L.M.I.), Latur, Dist. Latur.

..APPELLANTS

-VERSUS-

Trimbak S/o Bapurao Shelke (Died)
Through L.Rs.

1. Triveni Trimbak Shelke
Age : Major, Occ : Agri.,
2. Pushpa Sugriv Kale
Age : Major, Occ : Agri.,
3. Saraswati Pandurang Mane
Age : Major, Occ : Agri.,
4. Sundar Laxman Kaspate
Age : Major, Occ : Agri.,
5. Gorakhnath Trimbak Shelke
Age : Major, Occ : Agri.,

All R/o Dhanegaon, Tq. & Dist. Latur.

..RESPONDENTS

WITH

FIRST APPEAL NO. 3717 OF 2019

1. The State of Maharashtra,
through the Collector, Latur.
2. The Executive Engineer,
Minor Irrigation Division,
Local Sector, Latur.
3. The Special Land Acquisition Officer,
(L.M.I.), Latur, Dist. Latur.

..APPELLANTS

-VERSUS-

Yanka Sakharam Shelke
Age : Major, Occ : Agri.,
R/o Dhanegaon, Tq. & Dist. Latur.

..RESPONDENT

WITH

FIRST APPEAL NO. 3715 OF 2019

1. The State of Maharashtra,
through the Collector, Latur.
2. The Executive Engineer,
Minor Irrigation Division,
Local Sector, Latur.
3. The Special Land Acquisition Officer,
(L.M.I.), Latur, Dist. Latur.

..APPELLANTS

-VERSUS-

Arun Lingram Chamle
Age : Major, Occ : Agri.,
R/o Dhanegaon, Tq. & Dist. Latur.

..RESPONDENT

...

Mrs. V. S. Chaudhari, AGP for appellant/State
Mr. P.P. More h/f Mr. Yogesh K. Bobade in FA nos.3719/2019,
3721/2019, 3720/2019
Mr.S.S. Panale, Advocate for respondents in FA nos.3718/2019,
3714/2019, 3722/2019, 3716/2019, 3717/2019, 3715/2019,

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**CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL JADHAV, JJ.**

**RESERVED ON : 16th DECEMBER, 2025
PRONOUNCED ON : 18th DECEMBER, 2025**

JUDGMENT : [PER : VAISHALI PATIL JADHAV, J.]

1. Admit.
2. Heard finally with the consent of learned advocates for the parties.
3. All First Appeals are filed challenging the common judgment and order dated 30.04.2019 and 12.06.2019 respectively, passed by the Civil Judge, Senior Division, Latur ("Reference Court") in Land Acquisition Reference Nos.893/2009, 889/2003, 906/2009, 632/2009, 623/2009, 903/2009, 633/2009, 634/2009 and 627/2009, respectively. Therefore, the same are taken up together for decision. The Special Land Acquisition Officer ("S.L.A.O.") offered compensation @ Rs.1120/- and Rs.1210/- per R. The claimants filed reference claiming compensation @ Rs. 300/- per sq. ft. The Reference Court partly allowed the References by granting compensation @ Rs.166/- per sq. ft. The claimants are, therefore, before this Court in the appeals for enhancement.

The State has preferred appeals for reduction of the rate of compensation awarded by the Reference Court.

In all the appeals, the lands of the claimants are acquired for the purpose of construction of "Sulabh Water Conservation Scheme, Percolation Canal, Babhalgaon".

4. Learned Counsel for the claimants would submit that for acquisition of land for the same project, this Court vide judgment and

order dated 02.05.2025 in *Nirmalabai Bhausaheb Deshmukh vs. State of Maharashtra in First Appeal No.1459/2020 and connected Matters*, granted compensation at Rs.240/- per sq. ft. The learned counsel would submit that he is seeking parity in these appeals on the basis of the judgment and award in *Nirmalabai Bhausaheb Deshmukh (supra)*.

5. Learned A.G.P would on the other hand, submit that the rate granted by the Reference Court was exorbitant and it should be reduced, by allowing the State Appeals.

6. Admittedly, all these first appeals are covered by the order dated 02/05/2025 passed by the Coordinate Bench of this Court [Coram : R. G. Avachat and Prafulla S. Khubalkar, JJ.] in First Appeal No.1459/2020 (*Nirmalabai Bhausaheb Deshmukh Vs. State of Maharashtra*) and other connected matters, which arose from the same acquisition proceedings. In the said order, this Court has observed that,

“10. We have perused the judgment in case of Digambar Manik Kalyankar (supra). Notification under Section 4 of the Act in respect of land covered in the said appeal was issued on 17th May, 2006, while in the case in hand, notification is dated 19th February, 2005. The sale instances therein were all of the period from October to December 2002. Those pertain to small pieces of land such as 400 sq.ft. and 1619 sq.ft. Since it was a case of small portion of land, the Court directed to deduct 1/3rd of the amount of compensation towards development charges. There is a gap of little over two years

between the sale instances and the date of notification. Considering the fact that most of the lands acquired were agricultural on the date of publication of notification, we propose to grant compensation close to the rate granted by the Division Bench in the above referred judgment i.e. the rate per sq.ft. granted by the reference Court as enhanced to Rs.371/- per sq.ft. with rider to deduct 33% thereof since the sale instances relied on pertain to very small pieces of land. 33% of Rs.371/- approximately comes to Rs.125/-. Compensation per sq.ft., therefore, be Rs.240/- (round off)."

7. Since the claimants in present first appeals are similarly situated like that of claimants in *Nirmalabai Bhausahab Deshmukh (supra)*, the acquired lands are situated in the same vicinity and are acquired for the same project, section 4 notification in both the cases are contemporaneous and most importantly the evidence in the form of sale deed in all cases being the same, there is no reason to mete out different treatment to them. Hence, on the ground of parity, the said decision is applicable to the claimants herein. Resultantly, the appeals filed by the State are liable to be dismissed.

8. Hence, the following order:-

ORDER

- (I) First appeal Nos. 1752/2022, 1750/2022, 1751/2022, 1749/2022, 1656/2022, 1659/2022, 1658/2022, 1660/2022 and 1657/2022, filed by the claimants are allowed.
- (II) The appellants / claimants be paid compensation @ Rs.240/- per sq.ft. (inclusive of the compensation granted

by the reference Court).

- (III) Interest on the amount of enhanced compensation be paid @ 9% p.a. for the period of first year from the date of award @ 15% p.a. for the subsequent years onwards until the entire amount of compensation is paid.
- (IV) Clause (3) and (4) of the awards impugned herein stand maintained.
- (V) The first appeal Nos. 3719/2019, 3718/2019, 3714/2019, 3721/2019, 3720/2019, 3722/2019, 3716/2019, 3717/2019 and 3715/2019, filed by the State, are hereby dismissed.
- (VI) Pending civil application, if any, stands disposed of.

(VAISHALI PATIL JADHAV, J.) (NITIN B. SURYAWANSHI, J.)