



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

907 FIRST APPEAL NO. 1153 OF 2016

Yogiraj Baburao Kanade And Another
VERSUS
The State Of Maharashtra And Others

...

Mr. Aashish T. Jadhavar - Advocate for Appellants
Mr. B. A. Shinde - AGP for Respondent Nos. 1 and 3/State
Mr. S. C. Arora - Advocate for Respondent No. 2

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**AND
FIRST APPEAL NO. 1154 OF 2016**

Khurshid s/o Ahemad Munwar Dange
VERSUS
The State of Maharashtra & Ors.

...

Mr. Aashish T. Jadhavar - Advocate for Appellants
Mr. B. A. Shinde - AGP for Respondent Nos. 1 and 3/State
Mr. A. M. Gaikwad - Advocate for Respondent No. 2

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FIRST APPEAL NO. 1155 OF 2016

Khurshid s/o Ahemad Munwar Dange
VERSUS
The State of Maharashtra & Ors.

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Mr. Aashish T. Jadhavar - Advocate for Appellants
Mr. B. A. Shinde - AGP for Respondent Nos. 1 and 3/State
Mr. A. M. Gaikwad - Advocate for Respondent No. 2

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CORAM : NEERAJ P DHOTE, J.
DATED : 19TH DECEMBER, 2025

COMMON FINAL ORDER : -

1. These are the three First Appeals under Section 54 of the Land Acquisition Act by the Original Claimants for further enhancement

in the compensation towards acquisition of their respective lands situated at Village Shiradhon, Taluka Kallam, District Osmanabad. Their lands were acquired for Shirdadhon Medium Project. The Special Land Acquisition Officer [for short 'SLAO'] determined the compensation for the acquired lands at different rates i.e. Rs. 225/- per *Are*, Rs. 245/- per *Are*, Rs. 305/- per *Are* and Rs. 359/- per *Are*. The Appellants filed their respective Applications under Section 18 of the Land Acquisition Act for enhancement of compensation, which came to be registered as Reference Nos. 538 of 2001, 544 of 2001, and 1279 of 2002. The Reference Applications were referred to the learned Reference Court i.e. before the Civil Judge Senior Division, Osmanabad. The learned Reference Court by the Judgment and Order dated 4th March, 2014 partly allowed the Applications and determined and awarded the compensation for the acquired lands at the rate of Rs.1525/- per *Are*, Rs.1790/- per *Are*, Rs.1525/- per *Are*, Rs.1445/- per *Are* and Rs.1505/- per *Are*.

2. It is submitted by the learned Advocate for the Appellants that, this Court has considered and dealt with the Appeals arising out of the same acquisition proceedings for the same project and enhanced the rate of compensation to Rs. 2890/- per *Are*. He submits that, the first judgment of this Court is dated 02.04.2019 in group of First Appeals, one of which was First Appeal No. 654 of 2014. He submits that,

thereafter, the said judgment was followed by this Court in First Appeals No. 1536 of 2014, 778 of 2014, 1535 of 2014 decided on 26th June, 2024, First Appeal No. 593 of 2024 decided on 30th April, 2025 and First Appeal No. 919 of 2017 decided on 16.07.2025, and the same rate has been granted by this Court to the similarly placed Claimants. He submits that, these Appeals can be disposed off in terms of the said judgments.

3. The learned Advocate Mr. A. M. Gaikwad for the Acquiring Body does not dispute the aforesaid aspects that this Court considered the First Appeals arising out of the same acquisition proceedings for the same project and for the same village. He submits that, this Court may pass the appropriate orders in terms of the said judgments.

4. The first judgment by this Court shows that, this Court dealt with the Appeals arising out of the same acquisition proceedings for the same project and for the same village, and considered and granted the rate of Rs. 2890/- per *Are*, and the Appellants in the present Appeals are similarly placed as that of the said Claimants. There is no reason to deviate from the said decisions. This Court in Judgments dated 26th June, 2024 and 30th April, 2025, considered various decisions of the Hon'ble Apex Court, wherein it was observed that it is necessary to

maintain parity of compensation and avoid discrimination between the land owners who lost lands in same acquisition. In this view of the admitted position, the Appellants would be entitled for parity in respect of compensation for their acquired lands at the rate of Rs. 2890/- per *Are*. In the result, the Appeals succeed. The Appellants are held entitled for enhanced compensation @ Rs. 2890/- per *Are* for their acquired lands. They shall also be entitled for statutory benefits as per the provisions of the Land Acquisition Act, however, they shall not be entitled for the statutory benefits and the interest for the delayed period i.e. from the date of decision of Reference Court till filing of the Appeal before this Court. Further, the interest shall be calculated as per the decision of this Court in *State of Maharashtra vs. Kailash Shiva Rangari, 2016 (3) Mh.L.J. 457*.

5. The Appeals stand disposed off accordingly.

[NEERAJ P. DHOTE]
JUDGE

SG Punde