



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

3 FIRST APPEAL NO. 145 OF 2018

Shaikh Nizamoddin Haji Amiroddin Chaudhari
Since Deceased throug L.Rs

- 1] Zubeda Begum wd/o Nizamoddin Chaudhari,
Age: 58 years, Occu: Household
- 2] Shaikh Nadeem S/o Nizamoddin Chaudhari,
Age: 36 years, Occu: Business,
- 3] Shaikh Naveed S/o Nizamoddin Chaudhari,
Age: 27 years, Occu: Nil (Student),
- 4] Shaikh Farhan S/o Nizamoddin Chaudhari,
Age: 25 years, Occu: Nil (Student),
- 5] Shaikh Akram S/o Nizamoddin Chaudhari,
Age: 23 years, Occu: Nil (Student)
- 6] Maleeha d/o Nizamoddin Chaudhari,
Age: 30 years, Occu: Household,
- 7] Zeba d/o Nizamoddin Chaudhari,
Age: 28 years, Occu: Household,
- 8] Ammatul Juveria d/o Nizamoddin Chaudhari,
Age: 26 years, Occu: Household,
- 9] Aaiman Tahoor a d/o Nizamoddin Chaudhari,
Age: 24 years, Occu: Household,
All R/o. Gunj Golai, Majid Road,
Latur Tq. & District Latur,
At Present: H No.11-3-89, Third Floor,
Opposite to Anwar Uloom College,
Girls Gate, New Mallepalli,
Hyderabad (A. P.)

....Appellants
[Orig. Claimants]

VERSUS

- 1] The State of Maharashtra,
Through the Collector, Latur.
 - 2] The Special Land Acquisition Officer,
Minor Irrigation Works, Latur.
 - 3] The Executive Engineer,
Local Sector, Latur – Division,
Latur, Tq: and Dist. Latur.
-Respondents

AND
FIRST APPEAL NO. 1325 OF 2021
WITH
CIVIL APPLICATION NO.10746 OF 2019

- 1] The State of Maharashtra,
Through the Collector, Latur.
 - 2] The Executive Engineer,
Local Sector, Latur – Division.
 - 3] The Special Land Acquisition Officer,
Minor Irrigation Works, Latur.
-Appellants
[Orig. Respondents]

VERSUS

Shaikh Nizamoddin Haji Amiroddin Chaudhari
(died) Through LRs

- 1/1 Zubeda Begum wd/o Nizamoddin Chaudhari,
Age: Major, Occu: Household
- 1/2 Shaikh Nadim S/o Nizamoddin Chaudhari,
Age: Major, Occu: Agri.,
- 3] Shaikh Naveed S/o Nizamoddin Chaudhari,
Age: Major, Occu: Agri.
- 4] Shaikh Farhan S/o Nizamoddin Chaudhari,
Age: Major, Occu: Agri.,
- 5] Shaikh Akram S/o Nizamoddin Chaudhari,
Age: Major, Occu: Agri.

- 6] Maleeha d/o Nizamoddin Chaudhari,
Age: Major, Occu: Agri.,
- 7] Zeba d/o Nizamoddin Chaudhari,
Age: Major, Occu: Agri.,
- 8] Ammatul Juveria d/o Nizamoddin Chaudhari,
Age: Major, Occu: Agri.,
- 9] Aaiman Thaoora d/o Nizamoddin Chaudhari,
Age: Major, Occu: Agri.,
All R/o. Gunj Golai, Majid Road,
Latur, House No.11-03-89, Third Floor,
Opposite to Anwar Uloom College,
Girls Gate, New Mallepalli,
Hyderabad (A. P.)

....Respondents
[Orig. Claimants]

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Mr. N. D. Kendre, Advocate for the Appellants in Appeal No.145/2018
and Advocate for the Respondents in Appeal No.1325/2021

Mr. A. D. Wange, AGP for the Appellants / Respondents – State

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CORAM : NEERAJ P. DHOTE, J.
DATE : 01.12.2025

ORAL JUDGMENT :

1. The First Appeal No.145/2018 is preferred by the Claimants for enhanced compensation and the First Appeal No.1325/2021 is preferred by the State against the Judgment and Award passed by the learned Reference Court.

2. Heard the learned Advocate for the Claimants and the learned AGP for the State.

3. The Claimants' land admeasuring 18 R. out of Gat No.467, situated at Village Bhabalgaon, Taluka and District Latur is acquired for the construction of 'Sulabh Jal Sanvardhan Yojana Pazar Kalva, Babhalgaon' (Percolation Tank). The Special Land Acquisition Officer (for short 'S.L.A.O.') offered compensation of Rs.1210/- per R (gunthas). The Claimants preferred the Reference bearing No.636/2009, which was decided by the learned Reference Court on 13/06/2017 and enhanced the market value of the acquired land to Rs.45/- per sq. ft.

4. The learned Advocate for the Claimants relied on the decision of the Division Bench of this Court dated 02/05/2025 in group of Appeals out of which one is First Appeal No.1459/2020 and the decision of the Single Bench of this Court dated 22/09/2025 in group of First Appeals out of which one is First Appeal No.3852/2022 and submitted that, the said Appeals arose out of the same acquisition proceedings and the same Award, and this Court enhanced the compensation to Rs.240/- per sq. ft. (inclusive of the compensation granted by Reference Court).

5. The learned AGP appearing for the State, on going through the said Judgments, concur with the said submissions of the learned Advocate for the Claimants.

6. The learned Advocate for the Claimants and the learned AGP for the State submit that, these Appeals can be disposed off in view of the aforesaid Judgments.

7. Perusal of the said Judgments show that, some Appeals were filed by the Claimants and some Appeals were filed by the State against the decision of the learned Reference Court in the respective land References. There is also no dispute that, the Appellants' land and the lands, which were the subject matter of the aforesaid Appeals, were from the same Village. Considering these undisputed aspects of the matters, the following order is passed :

ORDER

- (I) The First Appeal No.145/2018 filed by the Claimants are partly allowed.
- (II) The Claimants be paid the compensation @ Rs.240/- per sq. ft. (inclusive of the compensation granted by Reference Court).
- (III) The Clause Nos.3 and 4 of the impugned Award stands maintained.
- (IV) The First Appeal No.1325/2021 filed by the State is partly allowed.
- (V) The Clause No.5 of the impugned Award is modified as under :
 - (a) The Interest @ 9% p.a. on the enhanced compensation be calculated from the date of Award under Section 11 of the Land Acquisition Act, 1894, in view of the Judgment in *The State of Maharashtra Vs. Kailash Shiva Rangari*, passed by the Full Bench of Nagpur High Court, in First Appeal No.251/2003 and the Interest @ 15% p.a. for the subsequent years onwards, until the entire amount of compensation is paid.

(VI) The amount deposited by the State in this Court in the Appeal preferred by the State be disbursed to the Claimants in terms of enhanced compensation.

(VII) Appeals stand disposed of accordingly.

(VIII) In view of disposal of the Appeals, pending Civil Applications, if any, are also disposed of.

[NEERAJ P. DHOTE, J.]

Sameer/December-2025