



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

FIRST APPEAL NO. 331 OF 2014

1. The State of Maharashtra,
Through Collector, Osmanabad.
2. The Special Land Acquisition Officer,
Manjra Project, Osmanabad.
3. The Executive Engineer,
Osmanabad Medium Project
Osmanabad.

... Appellants
[Ori. Respondents]

Versus

Mudrikabai Ram Mane,
Age: Adult, Occu: Agril
R/o Kavaha, Tq. Omerga,
Dist. Osmanabad.

... Respondent
[Ori. Claimant]

...
Mr. Virendra V. Jahagirdar, AGP for Appellants / State.
Mr. V. V. Ingale, Advocate for Respondent.
...

WITH

FIRST APPEAL NO. 332 OF 2014

1. The State of Maharashtra,
Through Collector, Osmanabad.
2. The Special Land Acquisition Officer,
Manjra Project, Osmanabad.
3. The Executive Engineer,
Osmanabad Medium Project
Osmanabad.

... Appellants
[Ori. Respondents]

Versus

Kanchan Subhash Savant,
Age: Adult, Occu: Agri.
R/o Kavaha, Tq. Omerga,
Dist. Osmanabad.

... **Respondent**
[Ori. Claimant]

...
Mr. Virendra V. Jahagirdar, AGP for Appellants / State.
Mr. V. V. Ingale, Advocate for Respondent.

...

WITH
X-OBJECTION NO. 134 OF 2022
IN FA/332/2014

Kanchan Subhash Sawant
Age major , Occ : Agri & H.H.
R/o Kavatha, Tq. Omerga
Dist Osmanabad.

... **Appellant**
(Ori. Res. In F.A.)

Versus

- 1). The State of Maharashtra,
Through Collector, Osmanabad,
Dist: Osmanabad.
- 2). The Special Land Acquisition Officer,
Manjara Project Osmanabad,
Dist Osmanabad.
- 3). The Executive Engineer,
Rehabilitation integrated Unit,
Osmanabad, Dist: Osmanabad.

... **Respondents**
(Ori. Appellants)

...
Mr. Vivekanand V. Ingale, Advocate for the Petitioner.
Mr. Virendra V. Jahagirdar, AGP for Respondents.

...

WITH
X-OBJECTION NO. 120 OF 2022
 IN FA/331/2014

Mudrikabai Ram Mane
 Age Major, Occ : Agri & H.H.
 R/o Kavatha, Tq. Omerga
 Dist Osmanabad..

... **Appellant**
 (Ori. Res. In F.A.)

Versus

- 1). The State of Maharashtra,
 Through Collector, Osmanabad,
 Dist: Osmanabad.
- 2). The Special Land Acquisition Officer,
 Manjara Project Osmanabad,
 Dist Osmanabad.
- 3). The Executive Engineer,
 Rehabilitation integrated Unit,
 Osmanabad, Dist: Osmanabad.

... **Respondents**
 (Ori. Appellants)

...

Mr. Vivekanand V. Ingale, Advocate for the Petitioner.
 Mr. Virendra V. Jahagirdar, AGP for Respondents.

...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 15th December, 2025.

ORAL JUDGMENT:

1 Heard the learned AGP for the State and the learned
 counsel for the claimants.

2 Both these first appeals are filed by the State and its authorities against the common judgment and award dated 3rd May, 2008, passed by the learned Reference Court, Omerga, District Osmanabad, in Land Acquisition Reference Nos.99 of 2005 and 188 of 2005, whereas the cross-objections are filed by the original claimants raising the grievance that inadequate compensation is awarded to them.

3 The learned AGP for the appellants in the first appeals submitted that considering the quality and the market price of the acquired lands, the compensation awarded by the learned Reference Court is exorbitant. He also strongly opposed the cross-objections filed by the claimants. He, therefore, prayed to allow the first appeals filed by the State and set aside the impugned judgment and award and to dismiss the cross-objections filed by the claimants.

4 The learned counsel for the claimants submitted that the lands of the claimants are situated in one and the same village and it were acquired by one and the same notification. The claimants got compensation @ Rs.4/- per square foot though their lands are having N.A. potentialities. The impugned judgment and award is thus not legal. Therefore, the claimants are entitled to enhanced amount of

compensation.

5 The learned counsel for the claimants pointed out the judgment delivered by this Court on 24th November, 2025, in ***First Appeal No.277 of 2013 (The State of Maharashtra and others Vs. Santosh Vishnu Dhumal)*** and other connected matters, by which the amount of compensation was enhanced upto Rs.25/- per square foot and by deducting Rs.5/- per square foot towards the development charges, finally Rs.20/- per square foot was awarded for the acquired lands of the claimants.

6 Perused the record and proceedings, particularly, the impugned judgment and award and evidence on record.

7 It would be proper to reproduce paragraph Nos.4 and 5 in the judgment and award passed by this Court on 24th September, 2025 in ***First Appeal No.766 of 2013, (Manohar Kedari Sawant Vs. The State of Maharashtra and another)***, which reads as under:-

“4. The learned AGP vehemently opposed this appeal. She submits that the said acquiescence was only for the LAR No. 311/2005 and it cannot be generalized. Every land is distinct and the situation is also different. In the present case,

she submits that the learned trial Judge has rightly appreciated the evidence and has awarded the rate. The learned SLAO, in fact, had considered all the relevant factors and had granted the rate by considering the rate to be Rs.42,000/- hectare that comes to Rs.10,000/- per Acre. She thus prays for rejection of the appeal.

5. This Court has gone through the judgment and award. It is seen that there was sale instance produced on record at Exh. 34 where the land consideration was shown to be Rs.25 per R., that would come nearly to Rs.25 per sq. foot. This Court finds that even if that sale deed is accepted, it is clear that when the land compensation is claimed in the unit of per sq. foot. It shows that there is N.A. potentiality, and therefore the said deduction is required to be made. If that deduction is made the rate would come to Rs. 20 pr sq. foot. and that rate is already accepted by the Government. This Court, therefore, does not find any difficulty in accepting the rate to be Rs. 20 per sq. foot.”

8 From the above judgment of this Court, it is crystal clear that the claimants' lands are situated in one and the same village and acquired for one and the same project having N.A. potentialities situated near to Highway and thus those are commercial properties. Therefore, the claimants are entitled for the compensation at the rate of Rs.25/- per square foot as enhanced amount of compensation alongwith other benefits by applying principle of parity. However, it is

clarified that already in First Appeal No.766 of 2013, Rs.5/- per square foot was deducted towards the development charges. Thus, the claimants are entitled for Rs.20/- per square foot as compensation for their acquired lands. With this, this Court found that there is no substance in the grounds of objections in all the first appeals. The first appeals filed by the State deserve to be dismissed. The cross-objections filed by the claimants deserve to be partly allowed on the principle of parity by partly setting aside the impugned judgment and awards. Hence, the following order:-

ORDER

- I. The first appeals are dismissed.
- II. The cross-objections are allowed. The impugned judgment and awards is partly modified as under:
- III. The claimants are entitled to receive compensation @ Rs.20/- per sq. ft. without any deduction for development charges.
- IV. The claimants are also entitled to receive the additional statutory benefits i.e. solatium, interest and components as provided in the Land Acquisition Act.

- V. If the delay is condoned by this Court while entertaining the cross-objections, the claimants are not entitled for interest amount and other statutory benefits for the said period.
- VI. The respondents shall deposit the enhanced amount of compensation within eight weeks from today with interest accrued thereon.
- VII. Pending civil applications, if any, also stand disposed of.

[SANJAY A. DESHMUKH, J.]

nga