



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

FIRST APPEAL NO. 2320 OF 2025

Vishrantabai S/o Vishwambhar Maske
Age : 80 years, Occ : Agriculturist,
R/o Babhalgaon, Tq. & Dist. Latur.

..APPELLANT

-VERSUS-

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,
Tq. & Dist. Latur.

..RESPONDENTS

**WITH
FIRST APPEAL NO. 1998 OF 2025**

Venkat Nivruti Sontake
Age : 72 years, Occ : Agriculturist,
R/o Babhalgaon, Tq. & Dist. Latur.

..APPELLANT

-VERSUS-

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,
Tq. & Dist. Latur.

..RESPONDENTS

WITH

FIRST APPEAL NO. 2324 OF 2025

Salubai Hanmant Nadagude
Age : 73 years, Occ : H.H.,
R/o Babhalgaon, Tq. & Dist. Latur.

..APPELLANT

-VERSUS-

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,
Tq. & Dist. Latur.

..RESPONDENTS

**WITH
FIRST APPEAL NO. 2323 OF 2025**

Hanmant Shivram Todkar
(Died) Through his L.Rs.

1. Datta Hanmant Todkar
Age : 61 years, Occ : Agriculturist,
2. Digambar Hanmant Todkar
Age : 51 years, Occ : Agriculturist,
3. Smt. Alka Hanmant Todkar
Age : 91 years, Occ : Agri., & H.H.,
4. Smt. Surekha Ratnappa Thadkar
Age : 61 years, Occ : Agri., & H.H.,
R/o Babhalgaon, Tq. & Dist. Latur.

..APPELLANTS

-VERSUS-

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,
Tq. & Dist. Latur.

..RESPONDENTS

**WITH
FIRST APPEAL NO. 2322 OF 2025**

Kamlakar Jyotiram Gaikwad
Age : 78 years, Occ : H.H.,
R/o Babhalgaon, Tq. & Dist. Latur.

..APPELLANT

-VERSUS-

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,
Tq. & Dist. Latur.

..RESPONDENTS

**WITH
FIRST APPEAL NO. 2321 OF 2025**

1. Vishwambhar Limbaji Maske
Age : 85 years, Occ : Agriculturist,
2. Vishrantabai Limbaji Maske
Age : 80 years, Occ : Agriculturist,
Both R/o Babhalgaon, Tq. & Dist. Latur.

..APPELLANTS

-VERSUS-

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,
Tq. & Dist. Latur.

..RESPONDENTS

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**WITH
FIRST APPEAL NO. 3506 OF 2025**

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,
Tq. & Dist. Latur.

..APPELLANTS

-VERSUS-

Vishrantabai S/o Vishwambar Maske
Age : 72 years, Occ : Agriculture,
R/o Babhalgaon, Tq. & Dist. Latur.

..RESPONDENT

**WITH
FIRST APPEAL NO. 3509 OF 2025**

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,
Tq. & Dist. Latur.

..APPELLANTS

-VERSUS-

1. Vishwambhar Limbaji Maske
Age : 77 years, Occ : Agriculture,
2. Vishrantabai Limbaji Maske
Age : 72 years, Occ : Agriculture,
Both R/o Babhalgaon, Tq. & Dist. Latur.

..RESPONDENTS

**WITH
FIRST APPEAL NO. 3510 OF 2025**

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,
Tq. & Dist. Latur.

..APPELLANTS

-VERSUS-

Salubai Hanmant Nadagude
Age : 69 years, Occ : Agriculture,
R/o Babhalgaon, Tq. & Dist. Latur.

..RESPONDENT

**WITH
FIRST APPEAL NO. 3507 OF 2025**

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,
Tq. & Dist. Latur.

..APPELLANTS

-VERSUS-

Kamlakar Jyotiram Gaikwad
Age : 62 years, Occ : Agriculture,
R/o Babhalgaon, Tq. & Dist. Latur.

..RESPONDENT

**WITH
FIRST APPEAL NO. 3505 OF 2025**

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,
Tq. & Dist. Latur.

..APPELLANTS

-VERSUS-

Venkat Nivruti Sontake
Age : 73 years, Occ : Agriculture,
R/o Babhalgaon, Tq. & Dist. Latur.

..RESPONDENT

**WITH
FIRST APPEAL NO. 3508 OF 2025**

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,
Tq. & Dist. Latur.

..APPELLANTS

-VERSUS-

Hanmant Shivram Todkar
Died through Legal heirs

1. Datta Hanmant Todkar
Age : 47 years, Occ : Agriculture,
R/o Babhalgaon, Tq. & Dist. Latur.
2. Digambar Hanmant Todkar
Age : 37 years, Occ : Agriculture,
R/o Babhalgaon, Tq. & Dist. Latur.
3. Smt. Alka Hanmant Todkar
Age : 77 years, Occ : Agri., & H.H.,
R/o Babhalgaon, Tq. & Dist. Latur.
4. Smt. Surekha Ratnappa Thadkar
Age : 48 years, Occ : Agri., & H.H.,
R/o Babhalgaon, Tq. & Dist. Latur.

..RESPONDENTS

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Advocate for Appellants in F.A. Nos.2320/2025, 1998/2025, 2324/2025,
2323/2025, 2322/2025 and 2321/2025 : Mr. Manale S.S.
AGP for Respondent/State : Mrs.V.S. Chaudhari

AGP for Appellants in F.A. Nos.3510/2025, 3506/2025, 3509/2025,
3507/2025, 3505/2025 and 3508/2025 : Mrs. V.S. Chaudhari
Advocate for respondents : Mr. Manale S.S.

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CORAM : NITIN B. SURYAWANSHI AND
VAISHALI PATIL – JADHAV, JJ.
DATED : DECEMBER 18, 2025

J U D G M E N T [Per Vaishali Patil – Jadhav, J.] :

. Admit.

2. Heard finally with the consent of learned advocates for the parties.

3. All these First Appeals are taken up together for decision since the challenge therein is to the common judgment and order dated 20.07.2023 passed by 3rd Joint Civil Judge Senior Division, Latur ("Reference Court") in Land Acquisition Reference Nos. 625 of 2009, 621 of 2009, 622 of 2009, 624 of 2009, 626 of 2009 and 628 of 2009. The Special Land Acquisition Officer ("S.L.A.O.") offered compensation @ Rs. 1,15,000/- per hector. 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 of compensation.

The State too 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 urged that while granting compensation in case of *Nirmalabai Bhausaheb Deshmukh (supra)* this Court has made 33% deductions from Rs.341/- per sq. ft.

and has awarded compensation of Rs.240/- per sq. ft. He submits that in the present appeals since the land is acquired for construction of percolation tank the said deduction is towards development charges. In support of this contention he has relied on,

- (i) *M. Chandra Sekhar Reddy Vs. Special Dy. Collector, (LAO), A.P in Civil Appeal No.732/2001 dated 19.01.2001*
- (ii) *Nelson Fernandes and ors Vs. Special Land Acquisition Officer, South Goa and Ors (2007 AIR (SC) 1414.*
- (iii) *Viluben Jhalejar Contractor (D) by LRs. Vs. State of Gujarat (2005) AIR SCW 2107*
- (iv) *Haryana State Industrial Development Corporation Vs. Pran Sukh and Ors [2011 (4) ALL MR 439 (S.C.)]*
- (v) *C.R. Nagaraja Shetty Vs. Special Land Acquisition Officer and Estate Officer and another (2009 (11) scc 75*
- (vi) *Executive Engineer, Arunavati Canal Division Vs. Shri Anandkumar Digambar Nillawar and others in First Appeal No.132/2017 dated 07.01.2025*

5. Learned A.G.P. on the other hand would submit that the rate granted by the Reference Court is exorbitant. She would submit that parity would apply in entirety and not only to the extent of favorable part applicable to claimants. This Court while applying parity

has rightly applied 33% deduction to enhanced rate of Rs. 371/- per sq. ft.

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. There is no merit in the said submission as the 33% deduction in case of *Nirmalabai Bhausaheb Deshmukh (supra)* is made as the sale instances relied upon by the claimants were of small piece of non-agricultural land where as the acquired lands were large piece of agricultural lands. It is a settled position of law that while determining the market value of the large chunk of land, the value of smaller pieces of land can be taken into consideration after making proper deduction. For this reason, the decision relied upon by the learned advocate for claimants are of no help to their case.

8. Since the claimants in present first appeals are similarly situated like that of claimants in *Nirmalabai Bhausaheb 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.

ORDER

(I) First Appeal Nos. 2320/2025, 1998/2025, 2324/2025, 2323/2025, 2322/2025 and 2321/2025, 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) First Appeal Nos.3510/2025, 3506/2025, 3509/2025, 3507/2025, 3505/2025 and 3508/2025 filed by the acquiring body/State, are hereby dismissed.
- (VI) Pending civil application, if any, stands disposed of.

[VAISHALI PATIL – JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]