



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 FIRST APPEAL NO. 3542 OF 2022
WITH
CIVIL APPLICATION NO. 15645 OF 2022
IN FA/3542/2022

A. HUSAIN A. SHAKUR DESHMUKH (DIED) THR LRS JULEKHABEGUM A.
HUSAIN AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

24 FIRST APPEAL NO. 4292 OF 2022

JULEKHABEGUM A. HUSAIN DESHMUKH

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

FIRST APPEAL NO. 4051 OF 2022

MOHAMMAD FARUKH A. HUSAIN DESHMUKH

VERSUS

THE STATE OF MAHARASHTRA AND ORS

WITH

CIVIL APPLICATION NO. 14020 OF 2025
IN FA/4292/2022

JULEKHABEGUM A. HUSAIN DESHMUKH SINCE DECEASED LEGAL
REPRESENTATIVES

VERSUS

THE STATE OF MAHARASHTRA AND ORS

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Mr. A. H. Korhalkar, Advocate for Appellants in all appeals

Mr. A. M. Gaikwad, Mr. C. D. Biradar, Ms. Riya Khadelwal h/f. Mr. Anand Chawre, Advocate for Acquiring Body respectively in respective appeals

Mr. S. V. Hange and Mr. N. R. Dayma, AGP for Respondent/State in respective

appeals

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CORAM : SHAILESH P. BRAHME, J.

DATE : 15.12.2025

PER COURT :-

. First Appeal No. 4051 Of 2022 is not on board. After mentioning, taken on board.

2. Heard both sides finally with their consent.

3. Present appeals are preferred by the original claimants being aggrieved by inadequate compensation granted by the Reference Court in the judgment and award under challenge.

4. Following are the materials particulars :

Sr. No.	FA.No.	LAR No.	Gut No. Total Acquired Area	u/s 4 notification date	u/s 11 award date	S.L.A.O Rate per R as per Award	Ld. Reference Court enhanced rate per R
23	3542 of 2022	302 of 2010	66/1 01H 97R	11.07.2000	11.02.2006	898.7/- per R	2,500/- Dry Land
24	4292 of 2022	304 of 2010	58/3 03H 31R	11.07.2000	11.02.2006	869.41/- per R	2,500/- Dry Land
Sister F A	4051 of 2022	303 of 2010	58/1 04H 04R	11.07.2000	11.02.2006	875.8/-	2,500/- Dry Land

5. Mr. Korhalkar, learned counsel for the appellants is seeking enhancement to the rate of **Rs.2500/-** per Are for dry land with escalation for

about 6 years and 10 months. On the ground of parity, he is claiming compensation of Rs.4820/- per Are. He has placed on record the compilation of the judgments to make out the ground of parity.

6. Mr. Gaikwad, learned counsel for the acquiring body has vehemently opposed the submissions. He would submit that advance amount of compensation was paid to the claimants and therefore they are not entitled to claim interest for the said amount. It is further submitted that the rate which is arrived at in a Lok Adalat cannot be said to be the adjudication. It cannot be adopted in the subsequent proceedings. The rate arrived at by SLAO based upon the sale instance. Therefore, the enhancement to **Rs.2500/-** per Are with escalation is unreasonable and patently illegal. Learned counsel also refers to the judgment of New Okhla Industrial Development Authority (Noida) vs. Yunus & Ors. reported in 2022 LiveLaw (SC) 123.

7. It is relevant to notice that the acquiring body has not preferred any appeal challenging the rate awarded by the Reference Court. Therefore, the grievance that the rate fixed before the Lok Adalat cannot be adopted and has no merit.

8. The common award passed by SLAO on 11.02.2006 discloses that

advance was paid to the different claimants from 22.04.1999 to 30.05.2001 at the time of receiving the possession. On or about 08.06.2006, the claimants were disbursed the final amount of compensation. The appellants/claimants are not entitled to claim interest at the rate of 9% under Section 34 of the Land Acquisition Act, 1894 as they were disbursed advance payment. The submission of Mr. Gaikwad, learned counsel to that extent is correct and awarding of interest at the rate of 9% from 11.02.2006 to 08.06.2006 needs to be deleted.

9. This Court has taken consistent view that if the lands are acquired from different villages for 'Nimmna Dudhana' project, the bench mark would be Rs.2500/- per Are acquired from village Satona vide notification dated 31.06.1996. True it is that the said rate was arrived at in Lok Adalat in one of the appeals i.e. First appeal No.2767 of 2018 which was adopted in a subsequent matters but just because, by way of compromise rate of Rs.2500/- per Are for dry land is arrived at cannot be castigated to be unreasonable or arbitrary one. This Court had occasion to consider that the bench mark rate for village Satona was claimed on the ground of parity before the Supreme Court and the matters were remanded back to the High Court to avoid discrimination. Even the matters from the selfsame project reached the Supreme Court at the instance of acquiring body and suffered dismissal. These

events have been noted by my order passed on 11.12.2025 in First Appeal No.1778 of 2024 with connected matters.

10. There is possibility of some guess work in arrived at the rate. This Court has been consistently following the law laid down in the matter of Huchanagouda vs. The Assistant Commissioner and Land Acquisition Officer and Ors. reported in (2020) 19 SCC 236 , Ali Mohammad Beigh and Ors vs. State of J & K reported in AIR 2017 SC 1518 and Ningappa Thotappa Angadi (Dead) Through Legal Representatives vs. Special Land Acquisition Officer and Another reported in (2020) 19 Supreme Court Cases 599 in awarding the rate of Rs.2500/- per Are. My attention is adverted to the judgment of Supreme Court in the matter of Union of India vs. Bal Ram & Another reported in AIR 2004 SC 3981 to fortify that the lands which have been acquired from different villages but for the selfsame project should be given the same rate to avoid the discrimination.

11. In that view of the matter, I am of the considered view that though in couple of matters, the rate arrived at Rs.2500/- per Are was adopted from settlement before the Lok Adalat, it cannot be said to be unreasonable or arbitrary. The appellants are entitled to receive the compensation with escalation for 6 years and 10 months. The appellants have claimed Rs.4820/-

per Are considering escalation for 6 years 10 months 21 days. It would be appropriate to award the rate of round figure of Rs.4800/- per Are.

12. I, therefore, pass the following order :

ORDER

- (i) First Appeals are allowed partly.
- (ii) Appellants shall be entitled to receive the rate of Rs.4800/- per Are.
- (iii) Appellants shall not be entitled to the interest U/Sec. 34 of the L. A. Act as stipulated in clause (4) of the impugned judgment and award. The same shall stand deleted.
- (iv) Save and except above, the impugned judgment and award shall stand unaltered.
- (v) Award be drawn accordingly.
- (vi) R and P be sent back to the Reference Court.

CIVIL APPLICATION NO. 15645 OF 2022

12. Applicants seek to condone the delay in bringing legal heirs of deceased Claimant Abdul Hussian Abdul Shakur Deshmukh on record. It is submitted that Julekhabegum who was one of the legal heirs of original claimant Abdul Hussian Abdul Shakur Deshmukh, is shown to be his heir. Her heirs are already on record in the form of applicant nos.2 to 6. Formal amendment is necessary to be carried out.

13. Civil Application is allowed in terms of prayer clause "A". Parties are at liberty to carry out the following amendment.

CIVIL APPLICATION NO. 14020 OF 2025

14. Not on board. Taken on board.

15. Mr. Korhalkar, learned counsel tenders across the bar Civil Application No.14020 of 2025 for bringing legal heirs of Julekhabegam on record in First appeal No.4292 of 2022. Applicants seek to condone the delay in bringing legal heirs of sole claimant Julekhabegam on record. The cause of action survives against the legal heirs.

16. Civil Application is allowed in terms of prayer clause "A".

17. Parties shall be at liberty to carry out the amendment.

(SHAILESH P. BRAHME, J.)