



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

50 FIRST APPEAL NO. 3324 OF 2025

SHRIMANT SANGAPPA HAWALE (DIED) THR LRS
SUSHILABAI AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ANR

WITH FAST NO.36802 OF 2019
WITH FIRST APPEAL NO. 3326 OF 2025
WITH FIRST APPEAL NO. 3325 OF 2025

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Advocate for Appellants : Ms. S. A. Kale h/f Mr. Kale Ajeet B.
AGP for Respondent/s-State : Mrs. M. N. Ghanekar.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 22.12.2025

FINAL ORDER :-

1. Taken up for final disposal with consent of the parties.
2. Appellants are questioning judgment and award passed by the Reference Court on different dates in the reference proceedings. However, matters can be decided by common judgments as the facts and circumstances are substantially similar. The issue involved is squarely covered by earlier pronouncements of this Court. The lands of the appellants were acquired for rehabilitation of earthquake affected persons. The lands under acquisition are from village Jevli, Taluka Omerga, District Osmanabad. The notification under

Section 4 was issued on 08.08.1996 in all appeals except in FAST. No.36802 of 2019 which was issued on 11.09.1997. The award was passed on 06.12.1997 except in one of the appeals in which it is passed on 15.06.1998. SLAO fixed the rate of the land ranging from Rs.21,000/- to Rs.23,500/- per Hecter. The Reference Court enhanced it from Rs.1125/- per R. to Rs.1500/- per R. Following are the material particulars.

Sr No	F A No.	Name of Party	L.A.R. No.	Section 4 Date	Award Date	Land Acquired
1	3324/2025	Shrimant Sangappa Hawale	4/2007	08.08.1996	06.12.1997	4 H. 58 R
2	Sl.36802/2019	Narsappa Shrimantappa Bhusappa (Birajdar)	546/2009	11.09.1997	15.06.1998	5 H. 58 R
3	3326/2025	Anappa Shrimant Birajdar (Bhusappa)	540/2005	08.08.1996	06.12.1997	3 H. 19 R
4.	3325/2025	Damodhar Mukinda Dandgule	873/2005	08.08.1996	06.12.1997	3 H. 42 R

3. Learned counsel for the appellants has placed on record the previous pronouncement of this Court by which consistently the rate is enhanced to Rs.7,500/- per R. (Rs.7.5/- per Sq.Ft.).

4. Learned counsel for the appellants is praying for parity for awarding the self-same rate to the appellants.

5. Learned AGP would oppose the submissions. It is submitted that ground of parity cannot be attracted. Appellants have not made out the case for enhancement of the compensation as there is no similarity of the lands. The lands

under acquisition do not have non-agricultural potential. It is submitted that while granting interest the judgment rendered by Full Bench has not been followed.

6. I have gone through the judgments placed on record by the appellants in those matters also. Lands from village Jevli was acquired for self-same purpose and ultimately rate of Rs.7.5/- per Sq.Ft. was fixed by the Court. The common judgment passed in First Appeal No.2944 of 2013 in Ashok Sidramappa Yenegure Vs. The State of Maharashtra and others have been consistently followed.

7. I have also adopted the same reasoning in enhancing the compensation of Rs.7.5/- vide judgment dated 18.12.2025 passed in First Appeal No.247 of 2025.

8. Appellants are entitled to interest and benefits of the parity. There is similarity of the lands. I, therefore, pass following order :

ORDER

- (i) All first appeals are allowed partly.
- (ii) The appellants shall be entitled to receive the compensation @ Rs.7.5/- per sq.ft. (Rs.7,500/- per R.).

- (iii) Appellants shall be entitled to interest under Section 28 and 34 from the date of award as per law laid down in the judgment of Full Bench in case of *State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]*.
- (iv) Save and except above modification. Rest of the impugned judgment and award shall unaltered.
- (v) The appellants shall not be entitled to interest and statutory benefits for the delayed period.
- (vi) The appellants shall pay deficit court fees, if any.
- (vii) Award be drawn accordingly.
- (viii) Record and proceeding be sent back to the concerned Court.
- (ix) Office is directed to register FAST No.36802 of 2019.
- (x) Objection pertaining to the certified copy stands dispensed with.

(SHAILESH P. BRAHME, J.)

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vmk/-