



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 FIRST APPEAL NO. 1282 OF 2025

MANOHAR KISANRAO SATHE (DIED) THR LRS SUSHILABAI
AND ANR

VERSUS

THE STATE OF MAHARASHTRA AND ORS

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Advocate for Appellants : Mr. D. M. Pingale.

AGP/APP for Respondents-State : Mr. D. B. Bhange.

Advocate for Respondent No.3 : Mr. Bhalerao Sudhir Govind.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 25.06.2025

PER COURT :-

1. Heard both the sides finally at the admission stage.
2. Appellants are claiming enhancement of the compensation by challenging judgment and award dated 15.06.2009 passed by Ad-hoc District Judge-1, Jalna in LAR.No.49 of 1999.
3. Learned counsel Mr. Pingale submits that appellants are entitled to enhancement considering the judgment and order of the Co-ordinate Bench passed in First Appeal No.437 of 2025 in the matter of Dyaneshwar Atmaram Babare Vs. The State of Maharashtra and others and connected matters. In that matter also the rate was enhanced from Rs.550/- per R. to

Rs.1350/- per R.

4. Learned counsel Mr. Bhalerao would vehemently submit that Reference Court considered all aspects of the matter and granted adequate compensation. No case is made out by the appellants for enhancement and the judgment and order pressed into service would not enure to the benefit of the appellants.

5. I have gone through the judgment and order of the Co-ordinate Bench passed on 30.04.2025 in First Appeal No.437 of 2025 as well as judgment and award under challenge. In both the matters, lands of the claimants are acquired for the project of Minor Irrigation Percolation Tank Devi Dahegaon. The dates of notification under Sections 4 and 6 are identical. Even award Under Section 11 is identical. The Land Acquisition Officer had awarded rate of Rs.290 per R. which was enhanced by the Reference Court to Rs.550 per R. High Court further enhanced it to Rs.1350/- per R. I find that submissions of the learned counsel for the appellants are well founded. It is a fit case to apply the principles of parity.

6. I proposed to adopt the same reasons and course as it was done by the Co-ordinate Bench in the above referred judgment. In that view of the matter, I passed following order :

ORDER

- (i) Appeal is partly allowed.
- (ii) Appellants are held entitled for enhanced compensation @ Rs.1350/- per R. for acquired land along with statutory benefit and interest excluding interest for period of delay i.e. period from the date of passing of impugned award till filing of appeal before this Court.
- (iii) Acquiring body to deposit the enhanced compensation amount within a period of six months from today.

(SHAILESH P. BRAHME, J.)

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vmk/-