

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 437 OF 2025

Dyaneshwar S/o Atmaram Babare,
Age major years, Occu: Agril.
R/o Devi Dahegaon, Post: Machindra Chincholi,
Tq. Ghanasagavi Dist. Jalna.

..Appellant
(Orig. Claimant)

VERSUS

- 1] The State of Maharashtra
Through Collector, Jalna.
- 2] The Special Land Acquisition
Officer (E & D), Jalna,
- 3] The Executive Engineer
Minor Irrigation Division, Jalna,
Tq. & Dist. Jalna.

..Respondents

AND

FIRST APPEAL NO. 438 OF 2025

- 1] Govardhan S/o Janardhan Shinde,
Age: 40 years, Occu: Agril.
- 2] Pralhad S/o Janardhan Shinde,
Age: 35 years, Occu: Agril.
- 3] Janardhan S/o Anna Shinde,
Age: 85 years, Occu: Agril.

All R/o Devi Dahegaon, Post: Machindra Chincholi,
Tq. Ghanasagavi Dist. Jalna.

..Appellants

VERSUS

- 1] The State of Maharashtra
Through Collector, Jalna.
- 2] The Special Land Acquisition
Officer (E & D), Jalna,
District Collector Office, Jalna
- 3] The Executive Engineer
Minor Irrigation Division,
Jalna, Tq. & Dist. Jalna
[Acquiring Agency].

..Respondents

(2)

...

Advocate for Appellants : Mr. D.M. Pingale
AGP's for Respondent/State : Mr. V.S. Badakh, Mr. D.B. Bhange
Advocate for Respondent No.3 : Mr. S.G. Bhalerao

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CORAM : S.G. CHAPALGAONKAR, J.

DATED : APRIL 30, 2025

PER COURT :

1. Aggrieved claimants filed present appeals seeking enhancement of compensation towards acquired land. Lands of appellants have been acquired for Devi Dahegaon Minor Irrigation Percolation Tank. Notification under Section 4 was issued on 19.05.1996. Award under Section 11 came to be passed on 31.12.1997. The Land Acquisition Officer determined the rate of acquired land @ Rs.290 per R. The claimant filed reference under Section 18 raising claim for enhanced compensation @ Rs.1500/- per R. Apart from that, he claimed enhanced compensation towards trees. The Reference Court after considering rival submissions, partly allowed the claim and passed an award for compensation by fixing market value of acquired land @ Rs.550 per R. Being aggrieved by the award passed by the Reference Court, present appeal is filed.

2. Mr. Pingale, learned advocate appearing for appellants submits that in L.A.R. No.254 of 1998 arising out of same acquisition and from same village, Reference Court determined compensation @ Rs.1350 per R. Accordingly, passed the award. He would therefore

urge that parity needs to be maintained in the matter of compensation paid to land owners from same acquisition. Therefore, he seeks to pass an award commensurate to award passed in L.A.R. No.254 of 1998.

3. Mr. Bhalerao, learned advocate appearing for respondent/acquiring body submits that the Reference Court has passed an award based on evidence led by claimant. Such an award need not be disturbed only because subsequently in another claim petition, more compensation is awarded. However, he did not dispute that award passed in L.A.R. No.254 of 1998 pertains to same acquisition and same village.

4. The Hon'ble Supreme Court of India in case of ***Ningappa Thotappa Angadi (Died) Through Legal Representatives Vs. Special Land Acquisition Officer***¹, has observed that parity needs to be maintained in the matter of compensation to be awarded to land holders from same acquisition particularly when the purpose of acquisition is same. It is pertinent to note here that in L.A.R. No.254 of 1998, the sale instances which were relied upon by present appellants/claimants are relied upon and accordingly compensation is determined. It is therefore evident that for same set of evidence relied upon by two different claimants, compensation is determined differently. In that view of the matter, it would be necessary to bring parity as to compensation amongst land holders and grant equal

¹ (2020) 19 SCC 599

(4)

compensation to avoid discrimination. In result, the appeals succeed.

Hence, the following order :

ORDER

- (i) Appeals are 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.

(S.G. CHAPALGAONKAR, J.)