



[This judgment is corrected pursuant to speaking to minutes orders dated 12.01.2026]

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

FIRST APPEAL NO. 1329 OF 2007

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| 1. | The State of Maharashtra
Through Collector, Osmanabad | .. | Appellant
[Ori. Respondent] |
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VERSUS

- | | | | |
|----|--|----|---------------------------------|
| 1. | Gulam Dastgir s/o. Daudsaheb Ansari
Age. Adult, Occ. Agri., R/o. Osmanabad. | .. | Respondents
[Ori. Claimants] |
| 2. | Moh. Musa s/o. Gulam Dastgir Ansari
Age. Adult, Occ. Agri., R/o. Osmanabad. | | |
| 3. | Moh. Shakil s/o. Gulam Dastgir Ansari
Age. Adult, Occ. Agri., R/o. Osmanabad. | | |
| 4. | Moh. Ajmat s/o. Gulam Dastgir Ansari,
Age. Adult, Occ. Agri., R/o. Osmanabad. | | |
| 5. | Moh. Ekbal s/o. Gulam Dastgir Ansari,
Age. Adult, Occ. Agri., R/o. Osmanabad.
Tq. & Dist. Osmanabad. | | |

**WITH
CROSS-OBJECTION NO. 156 OF 2025**

Ms. R.R. Tandale, AGP for the appellant-State.
Mr. V.V. Ingle, Advocate for the respondents.

CORAM : KISHORE C. SANT, J.
DATE : 26.09.2025

JUDGMENT :-

01. Heard learned AGP for the appellant-State and learned

Advocate Mr. Ingale for the respondents.

02. This First Appeal is admitted by an order dated 20.11.2008. The same is being taken up for final disposal.

03. A challenge in this appeal is to an order passed by the learned Civil Judge, Senior Division, Osmanabad dated 11.08.2006, partly allowing reference filed by the respondents/original claimants bearing LAR No. 5 of 1995.

04. Facts in short are that the claimants were owners of Block No. 96 admeasuring 74 R and Block No. 97 admeasuring 4 Hectare 35 R. Total area was of 5 Hectare 9 R from Village Shingoli, Tal. & Dist. Osmanabad. The Government issued a notification under section 4 of the Land Acquisition Act to acquire the said land for the purpose of construction of a technical workshop of B & C Department, Osmanabad. After publishing initial notification under section 4, a declaration under section 6 came to be issued. Thereafter, a notice came to be issued under section 9(3)(4) of the Land Acquisition Act. The claimants claimed rate of Rs. 10/- per sq. ft. It is case of the claimants that the land is adjacent to Osmanabad city and opposite to MIDC area. The learned

Special Land Acquisition Officer [for short "SLAO"] declared award on 14.01.1994 and granted compensation @ Rs. 65000/- and Rs. 60000/- per hectare for the lands Gat Nos. 96 and 97 respectively.

05. The claimants, therefore, approached the learned Reference Court. They claimed total compensation of Rs. 55,43,010/-, deducting Rs. 3,09,100/- granted by the learned SLAO. It is further case of the claimants that the similar land acquired for diversion of road was given rate of Rs. 50/- per sq. ft. The learned SLAO granted compensation by considering land to be agriculture land, however, in-fact it has NA potential. In the Reference Court, the claimants produced sale-deeds vide Exhs. 30 to 38, 40 and 41. Said sale-deeds were executed in the year 1989 on sq. mtr. basis. A plot admeasuring 135 sq. mtr. was sold for consideration of Rs. 4500/-. The learned Reference Court, thus, drawn conclusion that the market rate of the acquired land was not less than Rs.5/- per sq. ft. and held the claimants to be entitled to receive compensation @ Rs.5/- per sq. ft. The learned Reference Court, thus, enhanced the amount of compensation. Further benefits are directed to be given from the date of possession till realization of the amount.

06. The learned AGP vehemently argued that the learned

Reference Court committed a mistake by awarding compensation @ Rs. 5/- sq. ft. On the date of acquisition the land was not converted into non-agricultural land. The learned Reference Court committed mistake in considering the sale instances which were in respect of NA plots, which were already demarcated and failed to appreciate that the learned SLAO had considered the sale instances in respect of similarly situated land.

07. Two lands situated at different places cannot be given same rate. Learned AGP further submits that the learned Reference Court also committed an error by directing to pay benefits from the date of possession in view of judgment in the case of **State of Maharashtra Vs. Kailash Shiva Rangari, 2016 SCC OnLine Bom 2236**. She submits that the benefits ought to have been given from the date of award and not from the date of possession. She thus submits that the appeal deserves to be allowed.

08. Learned Advocate for the respondent-original claimants vehemently opposes the appeal. It is submitted that the land was having NA potential and that factor is rightly considered by the Reference Court, though the land was not converted into NA land. The land is situated in front of MIDC area, abutting the road. The location is a prime location.

He submits that the appeal deserves to be dismissed.

09. This Court has gone through the record and proceeding. The record and proceeding shows that the sale instances were produced on record. Those are proved by the claimants. The land is acquired for the purpose of technical workshop, near Osmanabad city. The purpose itself shows that the land had NA potential. The compensation ought to have been, therefore, determined on per Sq. ft./Sq. mtr. basis. It is admitted position that till acquisition, the land was not NA land. The learned SLAO, however, granted compensation by considering the rate per Hectare. This Court does not find any mistake committed by the learned Reference Court while awarding compensation. This Court, does not accept the submission of learned AGP on the point of rate being exorbitantly high.

10. So far as question of awarding of interest and other benefits is concerned, now it is well settled position in view of judgment in the case of **Kailash Shiva Rangari [supra]**, that the claimants are entitled to get benefits from the date of award and not from the date of possession, when the possession is not taken by invoking emergent provisions of Section 17 of the Act. This Court, thus, finds that the

learned AGP is right in making this submission so far as interest is concerned. This Court, thus, finds that the award needs to be modified only to the extent of granting benefits to the extent of possession from the date of award. Hence, following order :-

ORDER

- (i) The First Appeal is partly allowed.
- (ii) Cross objection is allowed.
- (iii) The claimants are entitled to receive compensation @ Rs.75/- per sq. ft. from the date of award.
- (iv) The claimants are entitled to get solatium @ 30% and interest @ 9% p.a. for the first year and 15% p.a. for the further period, on the enhanced amount from the date of award i.e. 14.01.1994.
- (v) Rest of the order is maintained as it is.

[KISHORE C. SANT, J.]