IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2 FIRST APPEAL NO. 590 OF 2005

The State Of Maharashtra
VERSUS
Gangabai Bhaidas Marathe
...
AGP for Appellant : Mr. A. D. Wange
Advocate for Respondents : Adv. Patil Manisha Rajendra
...

WITH
CIVIL APPLICATION NO. 2284 OF 2005
IN
FIRST APPEAL NO. 590 OF 2005

The State Of Maharashtra
VERSUS
Gangabai Bhaidas Marathe
...

WITH
X-OBJECTION NO. 505 OF 2026
IN
FIRST APPEAL NO. 590 OF 2005

Gangabai Bhaidas Marathe
VERSUS
The State Of Mah And Anr
...
Advocate for the Petitioner : Adv. Patil Manisha Rajendra
AGP for Applicant : Mr. A. D. Wange

WITH
CIVIL APPLICATION NO. 10580 OF 2006
IN
FIRST APPEAL NO. 590 OF 2005

The State Of Maharashtra
VERSUS
Gangabai Bhaidas Marathe

...

AGP for Applicant : Mr. A. D. Wange
Advocate for Respondents : Adv. Patil Manisha Rajendra

...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 26.10.2026

PER COURT :

1. As the acquisition proceeding is of the year 2001, the appeal is being heard finally with the consent of learned counsel for the respective parties.

2. By this appeal, the appellant/State is aggrieved by the judgment and award dated 23.06.2003 passed by the Joint Civil Judge, Senior Division, Shahada in LAR No.22/2002.

3. The lands of the claimant from village Gopalpur Tal. Taloda Dist. Nandurbar was acquired for the purpose of Sardar Sarover Rehabilitation project. The notification under Section 4 of the Land Acquisition Act, 1894 (for short, “the Act”) was published on 30.08.2001 and award under Section 11 of the Act was passed on 02.05.2002. The SLAO awarded compensation @ Rs.45,000/- per H by treating the acquired land as dry land. The claimant claimed higher compensation and filed reference proceeding, wherein compensation @ Rs.1,25,000/- per H for seasonally irrigated land was awarded.

4. Both learned counsel submit that present appeal can be disposed of in view of order passed by this Court in First Appeal No.591 of 2005

with connected matters on 18.01.2018 arising out of same project i.e. Sardar Sarover Rehabilitation project.

5. As this Court has already decided the appeal arising out of same project, I am inclined to adopt the same view. The present appeal is disposed of in view of order passed in First Appeal No.591 of 2005 with connected matters on 18.01.2018, wherein this Court has dismissed the appeal filed by the State and awarded compensation @ Rs.46,250/- per H for potkharab land, Rs.92,000/- per H for dry land and Rs.1,35,000/- per H for seasonally irrigated land to the claimant/s therein. Hence, I pass following order:-

ORDER

(i) The First Appeal filed by State is dismissed and the Cross Objection filed by claimant is partly allowed.

(ii) The claimant is entitled to compensation @ Rs.1,35,000/- per H for seasonally irrigated land as per the categorisation in respect of nature of land made by the learned Reference Court.

(iii) The claimant shall be entitled to all consequential statutory benefits as permissible under the Land Acquisition Act, 1894 including interest under Sections 28 and 34, as the case may be, as per Full Bench judgment of this Court in ***State of Maharashtra v. Kailash Shiva Rangari, 2016 (3) Mh.L.J. 457.***

(iv) The judgment and award passed by the Reference Court stands modified to the aforesaid extent.

(v) The rest of the award passed by the learned Reference Court stands confirmed.

(vi) Modified award be drawn accordingly.

(vii) Deficit Court fee be paid.

(viii) Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE, J.]