IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

971 FIRST APPEAL NO. 355 OF 2023

RAJENDRA CHAMPALAL RUNWAL AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
Mr. Sachin Bhalerao a/w. Mr. Akib Shirpurkar h/f. Mr. A. B. Kale, Advocate for Appellants
Mr. S. N. Kendre, AGP for Respondent-State
Mr. R. H. Wagh, Advocate for Respondent No.3
...

CORAM : AJIT B. KADETHANKAR, J.
DATED : 14th October 2026

P.C. :-

. At the instance of the parties, the First Appeal is taken up for final disposal at the admission stage considering the short controversy involved in the matter.

2. The appellants' land comprised in Gut No.124 of Village Partur, District Jalna admeasuring 3 Hectare 37 R was acquired by the respondent-acquiring body for the purpose of rehabilitation of the "Rani Vahegaon New Gavthan". After completion of the proceedings, the award was passed by the Special Land Acquisition Officer.

3. Feeling dissatisfied with the inadequate quantum of compensation, the appellants approached the learned Civil Judge, Senior Division, Jalna by filing Land Acquisition Reference No.888 of 2010. After assessing the evidence on record, the Reference Court fixed the compensation holding the appellants entitled to compensation at the rate of Rs.3,488/- per acre. Feeling aggrieved thereby, the claimants have filed this appeal.

4. During the pendency of the appeal, Mr. A. B. Kale, learned Advocate for the appellants on the last occasion, produced before this Court a copy of the judgment and award dated 07.08.2024, delivered by the learned 3rd Civil Judge, Senior Division, Jalna in Land Acquisition Reference No.27 of 2021. Mr. Kale pointed out that in the said case, the Reference Court fixed the rate of compensation at Rs.10,414.2/- per R for irrigated land.

5. Mr. Kale submitted that the said award delivered by the Reference Court is not assailed by the acquiring body in any First Appeal, rather, it is accepted by it. Thus, even without going into the merits of the matter, Mr. Kale submits that since the judgment and award passed by the Reference Court

in Land Acquisition Reference No.27 of 2021 arise out of the same land acquisition proceedings, which are the subject matter of the present appeal, the appeal be allowed by holding the appellants entitled to the same rate of compensation, corresponding to the quality of the land.

6. On the last occasion, this Court requested the learned Advocate for the acquiring body to secure instructions from the officers of the acquiring body as to whether the contentions, as expressed by Mr. Kale were correct or not.

7. Today, when the matter is called out, the learned Advocate for the acquiring body, in all fairness, submits that as per the instructions received from the officers, (i) the land which was the subject matter of Land Acquisition Reference No.27 of 2021 was acquired under the same land acquisition process which is the subject matter of the present appeal; (ii) the judgment and award passed by the Reference Court in Land Acquisition Reference No.27 of 2021 has not been challenged by the acquiring body; (iii) the quality of the land in the cited matter was Bagayat land whereas the land in the present matter is dry land; and (iv) both the lands in the cited matter as well as in the present matter were acquired from

Village Partur for one and the same purpose namely the rehabilitation of “Rani Vahegaon New Gavthan”.

8. After having heard both sides, I find that once in identical circumstances, the Reference Court has fixed the rate of compensation on the higher side in another matter arising out of the same land acquisition proceedings and pertaining to the same village, the appellants deserve to be granted compensation on the same basis corresponding to the quality of the land.

9. Suffice to note that both the lands i.e. the land in the cited case as well as the land forming the subject matter of the present First Appeal, are adjacent to each other. The land in the present appeal is situated in Gut No.124 of Village Partur, whereas the land in the cited matter is situated in Gut No.123.

10. The land in the cited matter was irrigated land. The Reference Court relying upon the sale instances and the evidence adduced by the concerned claimants in the cited case, fixed the rate of compensation for the irrigated land at Rs.10,414.2/- per R. Thus, as observed above, the Reference Court has fixed the rate of compensation at a higher amount in another matter arising out of the same land acquisition

proceedings.

11. In my considered opinion, since the appellants have already challenged the award passed in the reference proceedings by filing the present appeal, the same benefit, on a proportionate basis, needs to be extended to the appellants. This is so because the compensation scheme under the Land Acquisition Act is a beneficial piece of legislation.

12. In view of the above, I pass the following order :

O R D E R

I. The First Appeal stands allowed.

II. The appellants are entitled to compensation at the rate of Rs.5,207/- per R for the acquired land.

III. The acquiring body shall deposit the enhanced compensation before this Court within a period of six months from today, together with accrued interest thereon.

IV. The interest part shall be governed by the law laid down by the Full Bench judgment in the case of ***State of Maharashtra v. Kailash Shiva Rangari,*** reported in ***2016 (4) ALL MR 513***.

V. The appellants shall not be entitled to interest and statutory benefits for the delayed period.

VI. The appellants shall be entitled to withdraw the amount deposited with interest, without making any separate application for withdrawal.

VII. While depositing the enhanced compensation, any amount already deposited shall be adjusted.

VIII. Save and except above, impugned Judgment and Award passed by Reference Court shall stand unaltered.

IX. The appellants shall pay the requisite additional court fees on the enhanced compensation, if applicable.

X. Pending Civil Applications, if any, stand disposed of.

(AJIT B. KADETHANKAR, J.)

PRW