IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
30 FIRST APPEAL NO. 570 OF 2016

Shaikh Ramzan Shaikh Ibrahim And Others
VERSUS
The State Of Maharashtra And Others

...

Mr. Abhishek Hajare for the Appellants.
Mr. S. N. Morampalle, AGP for State.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 22 OCTOBER 2026

P. C.:

1. As the acquisition proceeding is of the year 2003, the Appeal is heard finally with the consent of learned counsel for the respective parties.

2. By this Appeal, the claimants are aggrieved by the judgment and award dated 17th November 2015, passed by learned CJSD, Vaijapur in LAR No.915/2010 whereby compensation to the extent claimed by the claimants came to be refused.

3. The land of the claimants admeasuring 299R from Gat No.215 from village Loni (Bk.), Tq. Gangapur, Dist. Aurangabad was acquired for construction of a percolation tank. The notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") was published on 20th February 2003 and award under Section 11 of the Act was passed on 22nd June 2005. The SLAO awarded compensation @Rs.770/- per R for the dry land and Rs.13,439/- for trees. The claimants had claimed higher

compensation and accordingly they filed reference proceeding, wherein compensation @Rs.3267/- per R came to be awarded. The claimants are claiming further enhancement by filing present Appeal.

4. Mr. Hajare, learned counsel for the claimants tenders a copy of award passed in LAR No.439/2010 arising out of same project, same notification and same village wherein compensation @Rs.4264/- per R came to be awarded. He further submits that the said award has not been assailed before this Court. Therefore, the claimants are entitled to receive the said rate by following the principle of parity.

5. Mr. Morampalle, learned AGP for the State submits that an order passed in earlier reference cannot be made automatically applicable to the present reference proceeding as the earlier award cannot be treated as a binding precedent. Therefore, he prays to dismiss the Appeal.

6. Having heard learned counsel for the respective parties and upon perusal of record and proceeding including the award passed in LAR No.439/2010, it reveals that the said award arises out of same project, same notification and same village. Though the earlier award cannot be treated as a binding precedent, it can be relied upon as a guiding factor. Thus, the claimants are entitled to the rate reflected in LAR No.439/2010. Hence, I pass the following order:-

ORDER

i. The present Appeal filed by the claimants is partly allowed.

ii. The judgment and award dated 17th November 2015, passed by learned CJSD, Vaijapur in LAR No.915/2010 is modified to the extent that the Claimants are entitled to receive the rate of Rs.4264/- per R for their acquired land.

iii. The claimants are entitled to all statutory benefits as per the provisions of the Land Acquisition Act, 1894 and interest under Sections 28 and 34, as the case may be, as per the law laid down by Full Bench of this Court in ***State of Maharashtra Vs. Kailash Shiva Rangari*** (2016(3) Mh.L.J. 457).

iv. Rest of the award passed by the learned Reference Court remains unaltered.

v. Modified award be drawn accordingly.

vi. Deficit Court fee be paid.

vii. Pending civil applications, if any, are also disposed of.

[SIDDHESHWAR S. THOMBRE, J.]