IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 FIRST APPEAL NO. 348 OF 2012

NAGORAO PANDU RATHODE
VERSUS
THE STATE OF MAHARASHTRA AND ANR
...
Mr. N. P. Jamalpurkar (Patil), Advocate for Appellant
Mr. A. D. Wange, AGP for Respondent-State.
...

AND

FIRST APPEAL NO. 349 OF 2012

PRALHAD RAMA HASURE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR
...
Mr. N. P. Jamalpurkar (Patil), Advocate for Appellant
Mr. A. D. Wange, AGP for Respondent-State.
...

AND

NOT ON BOARD, TAKEN ON BOARD
FIRST APPEAL NO.264 OF 2012

SHIVPRASAD HIRALAL DHOOT
VERSUS
THE STATE OF MAHARASHTRA AND ANR
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 1st OCTOBER, 2026

P.C.:-

1. Since the acquisition proceedings pertain to the year 1999, the appeals are heard finally with the consent of the learned Advocates for the respective parties.

2. By the present appeals, the Appellants/Claimants are

aggrieved by the judgments and awards dated 04.08.2011 passed by the learned IInd Joint Civil Judge Senior Division, Nilanga, in LAR Nos.119/2001, 120/2001 and 10/2001, whereby the learned Reference Court enhanced the compensation.

3. Brief facts of the present case are as under:-

(i) The lands of the Claimants situated at village Sangavi (Jewari), Taluka Nilanga, District Latur, were acquired for the rehabilitation of project-affected persons.

(ii) The Notification under Section 4 of the Land Acquisition Act, 1894, came to be published on 22.01.1999 and in First Appeal No.264/2012, the Notification under Section 4 of the Act came to be published on 14.09.1998.

(iii) The Special Land Acquisition Officer (SLAO) passed an award on 31.03.2000 and 04.12.1999 respectively and granted compensation at the rate of Rs.59,000/- per hectare.

4. Mr. N. P. Jamalpurkar (Patil), learned Advocate for the Appellants/Claimants, submits that the Appellants tender the order passed by this Court in First Appeal No.334 of 2012, whereby the lands situated at village Sangavi (Jewari), Taluka Nilanga, District Latur, were acquired for the rehabilitation of project-affected persons. The Notification under Section 4 of the Act in that matter came to be published on 14.09.1998. He submits that, in the present matter, the

lands situated in the same village were acquired for the same purpose/project, but the Notification was issued after a period of about four months, i.e., on 22.01.1999. Therefore, he submits that the Claimants are entitled to receive compensation at the same rate as was granted by this Court in First Appeal No.334 of 2012.

5. Per contra, Mr. A. D. Wange, learned AGP, submits that, in the earlier matter, this Court relied upon a sale instance from village Khillari and that the Gat numbers of the lands in respect of which the earlier reference was decided are situated far away. He further submits that the Notification in the present matter is different and, therefore, the order passed by this Court in the earlier matter cannot be made applicable to the present case.

6. Having heard the learned Advocates for the respective parties and with their assistance, I have gone through the record and proceedings. There is no dispute that the lands were acquired from the same village, i.e., village Sangavi (Jewari), Taluka Nilanga, District Latur, for the rehabilitation of project-affected persons. The matter decided by this Court in First Appeal No.334 of 2012 also pertained to lands acquired from the same village for the same purpose. The only difference is that, in the earlier matter, the Notification under Section 4 of the Act came to be published on 14.09.1998, whereas, in the present matter, the said Notification came to be published on 22.01.1999, with

a difference of only about four months.

7. Therefore, considering the aforesaid facts and circumstances, I am inclined to take the same view in the present matter. Hence, I proceed to pass the following order:

O R D E R

(i) The present appeals are partly allowed.

(ii) The judgments and awards dated 04.08.2011 passed by the learned II[nd] Joint Civil Judge Senior Division, Nilanga, in LAR Nos.119/2001, 120/2001 and 10/2001 are modified to the extent that the Claimants are entitled to receive the rate of Rs.4,50,000/- per Hectare.

(iii) The Claimants are entitled to all statutory benefits as per the provisions of Land Acquisition Act, 1894 including interest under Section 28 and 34 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 impugned award stands confirmed.

(v) The modified award be drawn accordingly.

(vi) Deficit Court fee be paid.

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

(SIDDHESHWAR S. THOMBRE, J.)

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