IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2 FIRST APPEAL NO. 1022 OF 2015

THE STATE OF MAHARASHTRA AND ORS
VERSUS
SHIVAPPA NAGAPPA TANWADE
...
WITH
FIRST APPEAL NO. 2522 OF 2019

THE STATE OF MAHARASHTRA AND ORS
VERSUS
SHAHURAJ DIGAMBAR YADAV AND ANR
...
WITH
X-OBJECTION NO. 26 OF 2023 IN FA/1023/2015

SUNIL SHIVAPPA TANWADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
WITH
X-OBJECTION NO. 339 OF 2026 IN FA/1026/2015

DHANRAJ SHIVAPPA TANWADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
WITH
X-OBJECTION NO. 340 OF 2026 IN FA/1025/2015

PRABHAWATI SHIVAPPA TANWADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
WITH
FIRST APPEAL NO. 1024 OF 2015

THE STATE OF MAHARASHTRA AND ORS
VERSUS
CHALYABAI BASWARAJ TANWADE
...
WITH
FIRST APPEAL NO. 1025 OF 2015
WITH
CIVIL APPLICATION NO. 12742 OF 2026

THE STATE OF MAH AND ORS
VERSUS

PRABHAWATI SHIVAPPA TANWADE
...
WITH
X-OBJECTION (STAMP) NO. 8603 OF 2018 IN FA/1022/2015

SHIVAPPA NAGAPPA TANWADE DIED THR LRS PRABHAVATI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
WITH
FIRST APPEAL NO. 1026 OF 2015

THE STATE OF MAHARASHTRA AND ORS
VERSUS
DHANRAJ SHIVAPPA TANWADE
...
WITH
FIRST APPEAL NO. 2557 OF 2024

THE STATE OF MAHARASHTRA AND ORS
VERSUS
DIGAMBAR NARSING YADAV AND ORS
...
WITH
FIRST APPEAL NO. 2523 OF 2019

THE STATE OF MAHARASHTRA AND ORS
VERSUS
KUMAR DIGAMBAR YADAV
...
WITH
X-OBJECTION NO. 338 OF 2026 IN FA/1024/2015

CHAYABAI BASWARAJ TANWADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
AGP for appellants/respondents/State in all matters : Mr. B.A. Shinde
Advocate for Respondents/claimants : Mr. V.V. Ingale, Mr. A.B. Kale and Mrs. Laxmi R. Thakur h/f. Mr. L.C. Patil in respective matters
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : October 27, 2026

PER COURT :-

1. Civil Application No. 12742/2026 is not on board. Taken on board.

2. Mr. B.A. Shinde, learned AGP for the State submits that FA Nos. 1022,

1024, 1025 and 1026 of 2015 are filed by the State, challenging the judgment and award dated 27.4.2009 passed by the learned Civil Judge, Senior Division, Omerga in LAR No. 574/2009, 577/2009, 576/2009 and 575/2009, in which the reference court has granted compensation at the rate of Rs.1050/- per R. and the compensation enhanced by the learned Reference Court in above matters do not exceed four times the amount awarded by the Land Acquisition Officer.

3. In view of the aforesaid submissions and having regard to the policy decision of the State Government contained in Government Resolution No.Sankirna-2014/Prak.Kra.4/Bham-1/A-4 dated 03.11.2016 with Corrigendum dated 23.02.2017 and 13.08.2018 to the said Government Resolution, took a decision not to challenge the reference, if compensation is enhanced only upto four times. Hence, the above Appeals filed by the State are dismissed.

4. In the other first appeals bearing FA Nos. 2522/2019, 2523/2019 and 2557/2024 the State assails the judgment and award dated 18.12.2014 passed by the learned Jt. Civil Judge, Senior Division, Omerga in LAR Nos. 280/2008, 281/2008 and 282/2008, whereby the learned reference court has granted rate of Rs. 3330/- per R. The original claimants have also filed cross objections for enhancement of compensation in some appeals arising out of the impugned judgments and awards.

5. The details of the first appeals and cross objectios are as follows :-

Sr. No.	LAR No.	FA & X-obj. Nos.	Area acquired & Survey No.	Compenstion granted by reference court
1.	573/09	FA 1023/15 (Already disposed of vide	2 H. 2 R. from S.No. 83	Rs.1050/- per R.

		order dt. 23.1.26) X-Obj. 26/23		
2.	575/09	FA 1026/15 X-Obj. 339/26	2 H. 2 R. from S.No. 83	Rs.1050/- per R.
3.	574/09	FA 1022/15 X-Obj.St. 8603/18	1 H. 63 R. from S.No. 83	Rs.1050/- per R.
4.	576/09	FA 1025/15 X-Obj. 340/26	1 H. 36 R. from S. No. 83	Rs.1050/- per R.
5.	577/09	FA 1024/15 X-Obj. 338/26	2 H. 2 R. from S. No. 83	Rs.1050/- per R.
6.	280/08	FA 2522/19	1 H. 62 R. from B.No. 80	Rs.3330/- per R.
7.	281/08	FA 2523/19	1 H. 62 R. from B. No. 80	Rs.3330/- per R.
8.	282/08	FA 2557/24	2 H. 2 R. from B. NO. 80	Rs.3330/- per R.

6. The aforesaid lands of the original claimants situated at village Chincholi (J) were acquired for the purpose of Chincholi (J) Tank No. 1, Chincholi (J), Tq. Omerga, Dist. Osmanabad. Notification under section 4 of the Land Acquisition Act came to be published on 31.8.2000. The SLAO has declared the award on 7.1.2004. The SLAO has granted compensation at the rate of Rs.35,000/- per H. i.e. Rs.350/- per R. Therefore, after accepting the aforesaid amount under protest, the claimants sought references under section 18 of the Act.

7. After considering the record and evidence on record the learned reference court has enhanced compensation. Being dissatisfied with the same, the present appeals as well as cross objections are filed by the State and original claimants.

8. As far as FA No. 2557/2024, 2522/2019 and 2523/2019 are concerned, before the reference court the claimants relied upon the sale instance, Exh. 26, 7/12 extracts, Exhs. 27 to 31 and other documents. The

learned reference court relied upon the sale instance, Exh. 26, which is in respect of land from village Dagad Dhanora, adjacent village from where the lands in the present matters are acquired. From the said sale instance, rate comes to Rs. 3026/- per R. however, considering the date of section 4 notification, the reference court has enhanced the compensation at the rate of Rs.3330/- per R.

9. Mr. B.A. Shinde, learned AGP for the State submits that the learned reference court has committed error by relying upon sale deed, Exh. 26, which was from different village i.e. village Dagad Dhanura and the lands were acquired from village Chincholi (J). He submnits that though the reference court has recorded finding that those are adjacent villages, but the claimants have not filed any map to prove that both are adjacent to each other. Even the learned reference court has not applied any deductions on account of distance between the two villages and considered the same as comparable sale instance. He further submits that as regards interest and statutory benefits are concerned, the reference court has wrongly granted the same from the date of possession which is contrary to the law laid down by the full bench of this Court in the case of **State of Maharashtra vs. Kailas Shiva Rangari, 2016 (4) Mh.L.J. 457**. Therefore, he submits that the cross objections filed by the original claimants be dismissed and appeals filed by the State be allowed.

10. Per contra, Mr. V.V. Ingale, Mr. A.B. Kale and Mrs. Laxmi R. Thakur holding for Mr. L.C. Patil, the learned counsel appearing for original claimants/objection petitioners in respective matters support the order passed by the reference court in FA No. 2557/2024 and other matters whereby reference court has granted rate of Rs.3330/- per R. and submits

that in other matters, the reference court has granted very meager compensation at the rate of Rs.1050/- per R. for acquired lands, which arise from the same notification, from the same village and for the same project. However, in LAR Nos. 280, 281 and 282 of 2008 the learned reference court has granted rate of Rs.3330/- per R., which arise from the same notification, from the same village and from the same project and therefore, they submits that the claimants in the respective cross objections are entitled to receive same rate as was granted in LAR No. 280, 281 and 282 of 2008 by the reference court. They therefore, pray to allow the cross objections filed by the original claimants and dismiss the appeals filed by the State.

11. Having heard the learned counsel for the respective parties, with their able assistance, I have gone through the record and proceedings and impugned judgments and orders of the reference court.

12. As regards appeals and cross objections arise out of LAR Nos. 280, 281 and 282 of 2008 are concerned, the State assail the order of the referene court whereby rate of Rs.3330/- per R. was granted and in some matters cross objection is also filed. The learned reference court has relied upon sale deed executed in the year 1999, Exh. 26, which is in respect of land from village Dagad Dhanura. The learned reference court has recorded finding that both the villages are adjacent to each other and it is fact that either before the reference court or before this Court, the State has not filed any contrary evidence to prove that both the villages are not adjacent to each other. Therefore, this court is of the view that as there is no contrary evidence led by the State before the reference court or before this Court to prove its contention, this court is inclined to accept the rate granted by the

reference court in LAR Nos. 280, 281 and 282 of 2008 in all the cross objections filed by the claimants herein including the cross objections filed in above first appeals which are dismissed by this Court as the rate granted by the reference court is within four times as those arise from the same notification, from the same village and for the same project as involved in LAR Nos. 280, 281 and 282 of 2008. The learned reference court has grated two different rates arising out of the same project and therefore, this court is of the considered view that the higher rate which was granted in LAR Nos. 280, 281 and 282 of 2008 needs to be granted in all cross objections filed by the claimants.

13. As regards interest and statutory benefits are concerned, the reference court has wrongly granted the same from the date of possession which is contrary to the law laid down by the full bench of this Court in the case of **State of Maharashtra vs. Kailas Shiva Rangari (supra)** and the same must be from the date of award. Hence, I pass the following order.

O R D E R

(i) The First Appeals filed by the State and cross objections filed by the original claimants are partly allowed.

(ii) The impunged judgments and awards are modified to the extent that the claimants shall be entitled to compensation at the rate of Rs.3330/- per R. for their acquired lands.

(iii) The claimants shall be entitled to all statutory benefits on the enhanced compensation, in accordance with the provisions of the Land Acquisition Act, 1894.

(iv) The claimants shall be entitled to interest under Sections 28 and 34 of the Act strictly in accordance with the law laid down by the Full Bench of

this Court in ***State of Maharashtra vs. Kailas Shiva Rangari***, (supra).

(v) Claimants are not entitled to interest and statutory benefits for the delay period, if any, caused in filing the cross objection.

(vi) Save and except the aforesaid modifications, the impugned Judgments and Awards in the aforesaid Land Acquisition References shall remain unaltered.

(vii) The claimants shall pay the deficit court fees, if any, on the enhanced amount.

(viii) The claimants and/or their legal heirs are permitted to withdraw the amount deposited by the Acquiring Body, along with accrued interest, subject to adjustment of the interest component in terms of the law laid down by the Full Bench of this Court in ***State of Maharashtra vs. Kailas Shiva Rangari***, (supra). Civil application filed in that regard is disposed of accordingly.

(ix) At the time of withdrawal of the amount, the Registrar (Judicial) shall verify all requisite documents, including the heirship certificate, if any.

(x) The modified Awards be drawn accordingly.

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

(SIDDHESHWAR S. THOMBRE, J.)

ssc/