IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 X-OBJECTION NO. 129 OF 2024
IN FA/4774/2023

Abhay Subrao Patil ….Petitioner

VERSUS

The State Of Maharashtra
Through Collector Osmanabad And Ors …..Respondent

WITH
FIRST APPEAL NO. 4774 OF 2023

The Ex. Engineer Seena
Kolegaon Project Paranda .....Appellant

VERSUS

Abhay Subrao Patil And Ors .....Respondent

Mr. V. V. Bhavthankar, Advocate for the Petitioner in W.P.
Mrs. Sunita Shelke, Advocate for the Appellant in FA
Mr. A. V. Lavate, Advocate for the Respondent – State

CORAM : AJIT B. KADETHANKAR, J.
DATE : 19th NOVEMBER, 2026

PER COURT :

1. Land admeasuring 30-R out of Gat No. 503 of village Donj, Tq. Paranda, District Osmanabad (Now Dharashiv) was acquired by the Appellant (‘the Acquiring Body’ for brevity). Petitioner in the X-Objection @ Respondent in the First Appeal was the owner of the said land. After complying the procedure, the Special

Land Acquisition Officer ('SLAO' for brevity) declared the Award and offered compensation. Feeling dissatisfied with the offer, the Claimant (Petitioner in Cross-Objection @ Respondent in First Appeal) filed Proceeding under Section 18 of the Land Acquisition Act 1894 in the Reference Court.

2. After assessing the evidence on record, the Reference Court quantified the compensation at the rate of Rs. 1 Lakh per Acre for the "Dry" lands. Meaning thereby, the Reference Court granted compensation at the rate of Rs. 2 Lakhs per Acre for irrigated land and compensation at the rate of Rs.1.5 Lakhs per Acre for seasonally irrigated land. Feeling aggrieved thereby, the Acquiring Body filed present First Appeal.

3. In the First Appeal, Smt. Sunita Shelke - Patwardhan, learned Advocate for the Appellants / Acquiring Body submits that the Objection is only in respect of the interest applied by the trial Court. She submits that now the Law is well settled on the point of interest. Reliance is placed on the Judgment and order delivered by Full Bench of this Court in the case of ***State of Maharashtra Vs Kailash Shiva Rangari reported in 2016 (3) Mh.L.J. 457***. To conclude the arguments, Smt. Shelke submits that the Appeal be partly allowed modifying the

interest part. It is submitted that the entire payable Award amount is also deposited in the Trial Court.

4. The Cross-Objection is filed by Shri Vivek Bhavthankar, learned Advocate for the Claimant. It is his submission that the Reference Court erred in defining the quality of the subject-matter land. He would submit that there was ample material on record to show that the subject-matter land at least could have been classified as semi-irrigated. To support his argument, he places on record a certified copy of a Judgment and Award dated 01-01-2019 passed by the reference Court in Land Acquisition Reference No. 22 of 2014. He submits that the Reference Court in identical case has held the land therein as seasonally irrigated land. Then, referring to paragraph 27 of the impugned Judgment and Award, it is submitted that the case is fit to hold the subject matter land as seasonally irrigated.

5. I have heard both the sides extensively. With the able assistance of both learned Advocates for the respective parties, I have perused the record and proceeding of the case. So far as Objection raised by learned Advocate for the Acquiring Body is concerned, this Court is bound by the Law laid down by Full Bench of this Court in the case of **Kailash Shiva Rangari** (supra). Certainly, the interest part

will govern by the principles laid down in **Kailash Shiva Rangari** (supra). To that extent, the First Appeal deserves to be allowed.

6. So far as the Cross-Objection is concerned, I find that the trial Court, after assessing entire evidence on record observed in paragraph 28 of the Judgment as under:

> *"28. No doubt, the 7/12 extract of acquired land Gat No.503 in L.A.R. No.556/2012 filed at Exh.46 bears entry of wheat crop being taken before relevant year of acquisition. However, Judicial Note can be taken that some local variety of wheat crops can be taken even without irrigation facility. The said 7/12 extract does not reflect any kind of water source entry either at other right column or relevant column No.16. Therefore, in my opinion, this acquired land cannot be considered as irrigated field. Hence, I consider this acquired land as "Dry" field."*

7. In view of these findings and after perusing the record and proceedings, I find that no error is committed by the Reference Court while treating the subject matter land as "Dry" land. The contention of Mr. Bhavthankar that the finding in the cited case about wheat crop would automatically go to show that subject matter land in the present Appeal was seasonally irrigated land. I do not comprehend with such submission. The findings in another case in which some other land is subject-matter, cannot be applied in the present case on

the point of quality/category of land. The findings of the Trial Court about the quality of land in the connected matter decided by the common Judgment and Award are of no avail to the appellant. The Trial Court has rendered categorical findings on the quality of land in both the matters, although they are disposed by a common Judgment and Award.

8. It would be wholly misconceived if those findings are applied to the case in hand. As observed above, the quality of land as a "Dry" land has been held by the Reference Court by discussing the evidence as could be seen from the recitals of paragraph 28 of the impugned Judgment and Award. The claimant/Objection Petitioner has hardly any case to call for interference in those findings. Thus, the Cross-Objection Petition fails. Hence, I pass following order:-

ORDER

A] The First Appeal stands partly allowed.

B] The Judgment and Award dated 17-02-2018 impugned in the First Appeal stands as it is, except the interest part.

C] The interest is held applicable as per the Law laid down by Full Bench of this Court in the case of **Kailash Shiva Rangari** (supra).

D] The claimants are permitted to withdraw the amount deposited by the Acquiring Body in the Trial Court, if not withdrawn already. After withdrawal, the amount found excess, if any, deposited by the Acquiring Body, shall be refundable to it.

E] The Cross-Objection stands dismissed.

F] Record and Proceeding to be sent back.

G] Civil Application, if any, stands disposed.

[AJIT B. KADETHANKAR, J.]

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