IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 FIRST APPEAL NO. 2178 OF 2019

The Executive Engineer Medium Project Division Osmanabad
VERSUS
The State Of Maharashtra Thr. Collector Osmanabad And Another
...
Mr. G. B. Rajale, Advocate for Appellant
Mr. S. P. Sonpawale, AGP for Respondent-State
Mr. A. N. Jondhale h/f Mr. V. S. Tanwade, Advocate for Respondent no.2

WITH
CIVIL APPLICATION NO. 765 OF 2015
IN FA/2179/2019
AND
FIRST APPEAL NO. 2179 OF 2019

The Executive Engineer Medium Project Division Osmanabad
VERSUS
The State Of Maharashtra Thr. Collector Osmanabad And Another
AND
FIRST APPEAL NO. 2176 OF 2019

The Executive Engineer Osmanabad
VERSUS
The State Of Maharashtra And Another
AND
FIRST APPEAL NO. 2177 OF 2019

The Executive Engineer,osmanabad
VERSUS
The State Of Maharashtra Thro. Collector,osmanabad And Others
AND
904 FIRST APPEAL NO. 2819 OF 2019

The Executive Engineer Medium Project Division Osmanabad

VERSUS

The State Of Maharashtra Thr. Collector Osmanabad And Another

...

Mr. G. B. Rajale, Advocate for Appellant
Mr. K. B. Jadhavar, AGP for Respondent-State
Mr. A. N. Jondhale h/f Mr. V. S. Tanwade, Advocate for Respondent no.2

...

AND

FIRST APPEAL NO. 2820 OF 2019

The Executive Engineer Medium Project Division Osmanabad

VERSUS

The State Of Maharashtra And Others

.....

CORAM : AJIT B. KADETHANKAR, J.

DATED : 22ND OCTOBER, 2026

P.C. :-

. Heard.

2. All these First Appeals arise out of the respective Land Acquisition References as mentioned in the following tabular chart:

Sr. No.	F. A. No.	L.A.R. No.	Date of Decision	Court
1	2178 of 2019	34 of 1997	30.04.2012	Jt. Civil Judge Senior Division, Osmanabad
2	2179 of 2019	33 of 1997	30.04.2012	Jt. Civil Judge Senior Division, Osmanabad
3	2176 of 2019	119 of 1995	30.04.2012	Jt. Civil Judge Senior Division, Osmanabad

4	2177 of 2019	32 of 1997	30.04.2012	Jt. Civil Judge Senior Division, Osmanabad
5	2819 of 2019	146 of 2011	30.04.2012	Civil Judge Senior Division, Paranda, Osmanabad.
6	2820 of 2019	134 of 2011	30.04.2012	Civil Judge Senior Division, Paranda, Osmanabad.

3. Subject matter lands in the First Appeals were acquired by the appellant/Acquiring Body for 'Sakat Medium Project. After compliance of the procedure under the Land Acquisition Act, the Special Land Acquisition Officer offered compensation vide an award. Feeling dissatisfied with the award, the claimants approached to the Reference Court under Section 18 of the Land Acquisition Act.

4. After assessing the evidence on record, and particularly sale instance commonly relied by the parties, which was dated 22.02.1990, the Reference Court granted an amount of Rs.1350/- per R. Feeling aggrieved thereby, the Acquiring Body is before this Court.

5. When the matters are taken up for consideration, Mr. G. B. Rajale, learned Advocate representing the Acquiring body fairly places on record an order dated 19.12.2013 passed

by this Court in a group of First Appeal led by First Appeal St. No.25721 of 2013. He submits that the subject matter appeals in the cited order arose out of the same land acquisition project which is subject matter of the present appeals. He would submit that this Court at paragraph no.8 observed thus:

> *8. While categorizing the lands, the Court has considered the nature of irrigation facility. Where there was well situated and considering the nature of the crop, the Court has concluded that the said lands are seasonally irrigated lands and in respect of lands where sugar cane crop was grown and harvested, the said land can be considered as irrigated. The market value of seasonally irrigated land can be considered as one and half time that of Jirayat land and in respect of irrigated land the same would be twice the value of dry land. Considering the same, the Court has considered Rs. 36,000/ per acre as market value for dry land, Rs. 54,000/ per acre for seasonally irrigated land and Rs. 74,000/ per acre for irrigated land. No fault can be found in the said methodology. It is only in four matters the Court has considered the land to be perennially irrigated considering the fact that sugar cane crop was taken and the extent of irrigation facility. Otherwise in all other matters the Court has either considered the lands as dry lands or seasonally irrigated lands.*

6. This Court recorded that no fault could be found in the findings recorded by the Reference Court. With this, the First Appeals came to be dismissed. Mr. Rajale submits that the

present Appeals are covered by the cited order; however he submits that in view of the law laid down in ***State of Maharashtra Vs. Kailash Shiva Rangari, 2016(3) Mh.L.J. 457***, present appeals be partly allowed by modifying the interest part.

7. I have gone through the text of the cited order. This Court after considering the law laid down by Hon'ble Supreme Court in ***Mehrawal Khewaji Trust (Regd.) Faridkot and others Vs. State of Punjab and others***, reported at ***AIR 2012 SC 2721***, as also after re-assessing the evidence has dismissed these appeals. I do not find any reason to disagree with those findings. So far as the compensation granted towards trees and structures, I find that no convincing ground could be made out by the Acquiring Body to modify the award on those aspects.

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

ORDER

a. First Appeals stand partly allowed.

b. Judgments and awards passed by the Reference Court stand as it is except the interest part.

c. The interest part shall be governed by the full bench judgment of this Court in the case of ***State of Maharashtra Vs. Kailash Shiva Rangari, 2016(3) Mh.L.J. 457.***

d. The claimants/respondents are permitted to withdraw the amount deposited by the Acquiring Body before Reference Court. However, while disbursing the said amount, the Registry/Nazir Department of the Reference Court shall compute the disbursement by applying the law laid down by the Full Bench of this Court in the matter of ***Kailash Shiva Rangari*** (supra).

e. Any amount if found to have been excess deposited by the Acquiring Body be refunded to the Acquiring body.

f. Record and Proceedings, if called, be sent back immediately.

g. First Appeals stand disposed of.

h. Pending Civil Application if any, stands disposed of.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026