IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

19 FIRST APPEAL NO. 1543 OF 2016

The Deputy Chief Engineer (Construction) C.R. Pune Division, Pune
VERSUS
Vimlabai @ Kamalbai Vasantrao Itkar And Anr

WITH
FIRST APPEAL NO. 1248 OF 2015

Vimalbai @ Kamalbai Vasantrao Itkar
VERSUS
The State Of Maharashtra And Another

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Mr. M.N. Navandar, Advocate for Acquiring Body
Mr. S.S. Manale, Advocate for Claimants
Mr. S.S. Dande, AGP for-State

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 06 OCTOBER, 2026

PER COURT :

1. Heard learned counsel for the respective parties.

2. The present appeals, filed by the Acquiring Body as well as the claimants, take exception to the impugned Judgment and Award dated 06.12.2014 passed by the learned 2nd Joint Civil Judge, Senior Division, Latur, in Land Acquisition Reference No.297 of 2014, whereby the learned Reference Court enhanced the compensation to Rs.40/- per square foot.

3. Learned counsel tenders across the Bar a copy of the order dated 13.08.2026 passed by this Court in First Appeal No.3084 of 2013 and connected matters. He submits that, in the said matters, this Court determined the market value of the acquired land at the rate of Rs.123/- per

square foot for the Railway Project, namely, the broad-gauge railway line passing from Miraj-Kurudwadi-Latur to Latur Road. In the present case also, the land was acquired for the Railway Project, namely, for the railway station and railway line. Learned counsel appearing for the Acquiring Body and learned counsel for the claimants submit that the rate determined in the aforesaid order may be considered in the present case after applying a deduction of 60%.

4. I have perused the aforesaid order. This Court has determined the market value at the rate of Rs.123/- per square foot in respect of the acquired land in the said matters. Having regard to the submissions advanced by the learned counsel for both sides, the said rate can be considered as the basis for determining the market value in the present case, after applying a deduction of 60%. The calculation works out as follows:

Particulars	Amount
Market value determined in the connected matters	Rs.123.00 per sq. ft.
Deduction of 60%	Rs.73.80 per sq. ft.
Balance after deduction of 60%	Rs.49.20 per sq. ft.

Thus, the rate works out to Rs.49.20 per square foot, which is rounded off to Rs.50/- per squre foot. Having regard to the submissions advanced by the learned counsel for both sides, the compensation is determined at the rate of Rs.50/- per square foot. Accordingly, the impugned Judgment and Award requires modification to that extent. Hence, the following order:

O R D E R

(i) The First Appeal filed by the Acquiring body is dismissed

(ii) The First Appeal filed by the claimant is partly allowed.

(iii) The impugned Judgment and Award dated 06.12.2014 passed by the learned 2nd Joint Civil Judge, Senior Division, Latur, in Land Acquisition Reference No.297 of 2014 is modified to the extent indicated below.

(iv) The claimant is entitled to receive compensation for the acquired seasonally irrigated land at the rate of Rs.50/- per square foot.

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

(vi) The claimant shall be entitled to interest under Section 34 of the Act strictly in accordance with the law laid down by the Full Bench of this Court in *State of Maharashtra v. Kailas Shiva Rangari, reported in 2016 (3) Mh.L.J. 457*.

(vii) The claimant is permitted to withdraw the amount deposited by the Acquiring Body with accrued interes thereon.

(viii) The amount already paid to the claimant shall be given due adjustment.

(ix) Bank Guarantee or solvent security, if any, stands discharged.

(x) The appellant-claimant shall pay the deficit court fee, if any.

(xi) The rest of the impugned Judgment and Award passed by the learned Reference Court shall remain unaltered.

(xii) The modified award be drawn accordingly.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane