IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 FIRST APPEAL NO. 2341 OF 2008

THE STATE OF MAHARASHTRA AND ORS
VERSUS
SUDHAKAR BHALCHANDRA JADHAV
...
AGP for Appellants/State : Mr. D.R. Korde
Advocate for Respondent : Mr. V.V. Ingale
...
WITH
CIVIL APPLICATION NO. 6140 OF 2026 IN FA/2341/2008
...

922 CIVIL APPLICATION NO. 5853 OF 2026
IN FA/1767/2009

BISMILLABEE YAKUBSAHEB QURESHI DIED THR LRS SAAMIYULLA AND ANR.
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR OSMANABAD.
...
Advocate for Applicant : Mr. V.V. Ingale
AGP for Respondent/State : Mr. D.R. Korde
...
WITH
X-OBJECTION NO. 172 OF 2026 IN FA/1767/2009
WITH
FIRST APPEAL NO. 1767 OF 2009
...

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

PER COURT :-

1. Heard the learned counsel for the respective parties.

2. The present appeals and cross objection arise out of the Judgments and Awards dated 20.10.2005 and 20.12.2007 passed by the learned Civil Judge, Senior Division, Omerga, in LAR No. 206/2004 (Old No. 106/1994) in 173/2004.

3. The lands of the claimants situated at village Tugaon, Taluka

Omerga were acquired for Benitura Project Murum by issuing notification under section 4 of the Land Acquisition Act on 21.4.1988.

4. The learned counsel for the claimants has tendered across the Bar a copy of the judgment and order dated 14.10.2026 passed by this Court in FA No. 2660/2009 (The State of Maharashtra Vs. Pandurang Tukaram Kokate), arising out of Bentura Project. He submits that the lands of the claimants were acquired for the same project as involved in the aforesaid appeal. It is, therefore, contended that the controversy involved in the present matters is squarely covered by the judgment and order in FA No. 2660/2009 and consequently, the present matters deserve to be disposed of in terms thereof. The learned A.G.P. appearing for the State fairly concedes the aforesaid position.

5. Having considered the submissions advanced by the learned counsel for the respective parties, and in view of the admitted position that the controversy involved in the present matters is identical to the one decided by this Court in FA No. 2660/2009, I see no reason to take a different view. The present matters, therefore, deserve to be disposed of in terms of the said judgment and order. Hence, the following order.

O R D E R

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

(ii) The claimants shall be entitled to enhanced compensation at the rate of Rs.60,000/- per Acre for dry land, Rs.1,20,000/- per Acre for irrigated land and Rs.90,000/- per Acre for seasonally irrigated land, as per the categorization of the acquired lands made by the learned Reference Court.

(iii) The claimants shall be entitled to all consequential 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 Section 34 of the Land Acquisition Act, 1894, strictly in accordance with the principles laid down by the Full Bench of this Court in **State of Maharashtra v. Kailas Shiva Rangari, 2016 (3) Mh.L.J. 457.**

(v) The claimants shall not be entitled to statutory benefits and interest for the period of delay, if any, caused in filing cross objection.

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

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

(viii) The modified award be drawn accordingly.

(ix) The appeals are pending since 2008. It was brought to my notice that some of the original claimants are dead. Hence, the application is filed for bringing on record the legal heirs of the deceased original claimants. As there is no heirship certificate along with the application, the legal heirs are at liberty to file execution proceeding by placing the legal heirship certificate. The said application is disposed of accordingly.

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

(SIDDHESHWAR S. THOMBRE, J.)

ssc/