IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 77 OF 2019

Executive Engineer, Minor Irrigation Division, Osmanabad
*VERSUS*
Sulochanabai Shasherao Khandekar And Anr
...
Ms. S. D. Shelke, Advocate for Appellant in respective FAs
Mr. A. V. Lavte, AGP for Respondent-State in respective FAs
Mr. G. K. Sontakke, Advocate for Respondent-claimant in respective FAs

...

AND

FIRST APPEAL NO. 92 OF 2019

Executive Engineer, Minor Irrigation Division, Osmanabad
*VERSUS*
Venkat Ganpati Mane And Anr

AND

FIRST APPEAL NO. 73 OF 2019

Executive Engineer, Minor Irrigation Division, Osmanabad
*VERSUS*
Manik Narayan Amanwar And Anr

AND

FIRST APPEAL NO. 93 OF 2019

Executive Engineer, Minor Irrigation Division, Osmanabad
*VERSUS*
Banarasabai Harishchandra Khandekar And Anr

AND

FIRST APPEAL NO. 78 OF 2019

Executive Engineer, Minor Irrigation Division, Osmanabad
*VERSUS*
Kamal Hari Khandekar and Anr

AND

FIRST APPEAL NO. 728 OF 2018

Executive Engineer, Minor Irrigation Division, Osmanabad
*VERSUS*
Shyamalbai Bharat Kale And Anr
**AND**
**FIRST APPEAL NO. 727 OF 2018**

Executive Engineer, Minor Irrigation Division, Osmanabad
*VERSUS*
Raghunath Laxman Mane Died, thr. Lrs. Vasant And Ors.
**AND**
**FIRST APPEAL NO. 726 OF 2018**

Executive Engineer, Minor Irrigation Division, Osmanabad
*VERSUS*
Gopinath Laxman Mane, Died thr. L.Rs. Vijaykumar and Anr.
**AND**
**FIRST APPEAL NO. 697 OF 2018**

Executive Engineer, Minor Irrigation Division, Osmanabad
*VERSUS*
Vishwanath Krishna Khandekar and Ors.

.....

**CORAM : AJIT B. KADETHANKAR, J.**

**DATED : 31ST OCTOBER, 2026**

**P.C. :-**

. First Appeal Nos.78 of 2019, 728 of 2018, 727 of 2018, 726 of 2018 and 697 of 2018 are not on board, taken on board.

2. Feeling aggrieved by the following judgments and awards, the Acquiring Body is before this Court in the respective First Appeals.

| Sr. No. | First Appeal No. | L.A.R. No. | Judgment date | Court |
|---|---|---|---|---|
| 1 | 77 of 2019 | 52 of 2004 | 05.08.2013 | 3rd Jt. Civil Judge Senior Division, Osmanabad |
| 2 | 92 of 2019 | 520 of 2003 | 05.08.2013 | 3rd Jt. Civil Judge Senior Division, Osmanabad |
| 3 | 73 of 2019 | 50 of 2004 | 05.08.2013 | 3rd Jt. Civil Judge Senior Division, Osmanabad |
| 4 | 93 of 2019 | 51 of 2004 | 05.08.2013 | 3rd Jt. Civil Judge Senior Division, Osmanabad |
| 5 | 78 of 2019 | 519 of 2003 | 05.08.2013 | 3rd Jt. Civil Judge Senior Division, Osmanabad |
| 6 | 728 of 2018 | 283 of 2004 | 06.09.2013 | 3rd Jt. Civil Judge Senior Division, Osmanabad |
| 7 | 727 of 2018 | 517 of 2003 | 06.09.2013 | 3rd Jt. Civil Judge Senior Division, Osmanabad |
| 8 | 726 of 2018 | 49 of 2004 | 06.09.2013 | 3rd Jt. Civil Judge Senior Division, Osmanabad |
| 9 | 697 of 2018 | 518 of 2003 | 06.09.2013 | 3rd Jt. Civil Judge Senior Division, Osmanabad |

3. It is submitted that the subject matter lands in the appeals were acquired by the Acquiring Body for the purpose of Minor Irrigation Tank at Yeoti, Tq. And Dist. Osmanabad.

4. After completing the procedure under the Act, the Special Land Acquisition Officer offered the compensation. Feeling dissatisfied with the compensation, the claimants filed proceedings under Section 18 of the Land Acquisition Act before Reference Court. After assessing the common evidence, the trial court, particularly relying upon the sale instance

dated 02.01.1992, fixed the valuation at Rs. 44,000/- per acre for dry land i.e. (Rs. 1,100 per R) and Rs. 66,000/- per acre for seasonally irrigated land.

5. The Acquiring Body has challenged the common judgment and award by filing First Appeal No.3956 of 2017 and 3957 of 2017 in respect of land acquisition reference Nos.532 and 508 of 2003. This Court after hearing the parties at length, arrived at a conclusion that no infirmity or illegality could be found in the findings recorded by the Reference Court. As such, the appeals filed by the Acquiring Body to the extent of quantum came to be turned down. However, by directing that the interest part would be governed by law laid down by the Full Bench of this Court in the case of ***State of Maharshtra Vs. Ramesh Tukaram Meshram and Anr., reported in 2018 (Vol.1) All M.R. 645***.

6. Ms. S. D. Shelke, learned advocate for the Acquiring Body would fairly submit that the present appeals could also be disposed of in terms of the order passed by this Court on 7.10.2026 passed in the cited cases (supra).

7. With the able assistance of learned advocates for both the sides, I have gone through the case papers of the First

Appeals, as also text of the cited order. I do not have any reason to disagree with the view taken by this Court in the cited matters. In view of this, the First Appeals stand partly allowed in following terms:

**ORDER**

a. First Appeals stand partly allowed.

b. The judgments and awards passed by the Reference Court are maintained as it is, except to the extent of interest part.

c. Interest part shall be governed by law laid down in full bench judgment of ***State of Maharshtra Vs. Ramesh Tukaram Meshram and Anr., reported in 2018 (Vol.1) All M.R. 645***.

d. The amount deposited by the Acquiring Body in this Court is permitted to be withdrawn by the respondents/ claimants.

e. While disbursing the amount, the Registry shall calculate the interest in view of law laid down in full bench judgment of ***State of Maharshtra Vs. Ramesh Tukaram Meshram and Anr., reported in 2018 (Vol.1) All M.R. 645***.

f. Any amount if found excess to have been deposited by the Acquiring Body be refunded to the appellant/Acquiring Body.

g. Any security/surety, if given earlier by the claimants, stands discharged.

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

**( AJIT B. KADETHANKAR, J. )**

*Rushikesh/2026*