IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 X-OBJECTION NO. 9 OF 2023
IN FA/3118/2013

AMBADAS TATYABA LANDE (DIED) THR LRS NILAWATI AND ORS
VERSUS
G.M.I.D.C., THR THE EX. ENGINEER, OSMANABAD AND ANR
...
Advocate for the Petitioner : Mr. V.V. Ingale
AGP for Respondent/State : Mr. S.B. Jadhav
Advocate for Respondent 1 : Mr. S.R. Dheple
...
WITH
FIRST APPEAL NO. 3118 OF 2013
...

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

PER COURT :-

1. Heard the learned counsel for the respective parties.

2. The present appeal and cross objection arise out of the Judgment and Award dated 29.3.2012 passed by the learned 3rd Jt. Civil Judge, Senior Division, Osmanabad in LAR No. 259/2002.

3. The land of the claimants situated at village Bamni, Tq. and Dist. Osmanabad was acquired for the purpose of Wadala Tank by issuing notification under section 4 of the Land Acquisition Act on 25.2.1993.

4. The learned counsel for the claimant has tendered across the Bar a copy of the judgment and order dated 27.7.2026 passed by this Court in FA No. 770/2013 (Kashinath Vishwanath Bamankar Vs. The State of Maharashtra and Anr.), whereby this Court has enhanced compensation in favour of the claimants therein by partly allowing their cross objections and granted rate of Rs.3,000/-per R. for irrigated lands and Rs. 1500/- per R. for dry land as classified by the reference court. He submits that the land of

the claimants was acquired for the same public purpose, and under the very same notification 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. 770/2013 (supra), and consequently, the present matters deserves to be disposed of in terms thereof. The learned A.G.P. appearing for State and the learned counsel appearing for acquiring body fairly concede 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. 770/13 (supra), 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 appeal filed by the acquiring body is partly allowed.

(II) The appeal filed by the original claimant is also partly allowed and the claimants are entitled to receive compensation at the rate of Rs.3000/- per R. for irrigated lands, Rs. 1500/- per R. for dry land as classified by the reference court, with all the statutory benefits available under the Land Acquisition Act.

(III) As regards interest and statutory benefits under the Act is concerned, the claimants are entitled to receive the interest in view of the law laid down by the Full Bench of this Court in the case of **State of Maharashtra Vs. Kailas Shiva Rangari , 2016 (3) Mh.L.J. 457**.

(IV) The impugned judgments and awards are modified accordingly.

(V) The claimants to pay the deficit court fees, if any, for enhanced compensation.

(VI) Pending Civil Applications, if any, are disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/