IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1388 OF 2019

Executive Engineer, Latur Minor Irrigation Division, Latur
Under G.m.i.d.c., Aurangabad And Anr
VERSUS
Rajkumar Kishan Janapure
...
Mr. R. B. Surwase h/f Mr. B. R. Surwase, Advocate for Appellants in respective FAs
Mr. S. P. Sonpawale, AGP for Respondent-State in respective FAs
Mr. G. K. Sontakke, Advocate for Respondent in respective FAs

AND

FIRST APPEAL NO. 1395 OF 2019

Executive Engineer, Latur Minor Irrigation Division, Latur
Under G.m.i.d.c., Aurangabad And Anr
VERSUS
Shivaji Pundalik Mane

AND

FIRST APPEAL NO. 1397 OF 2019

Executive Engineer, Latur Minor Irrigation Division, Latur
Under G.m.i.d.c., Aurangabad And Anr
VERSUS
Pandurang Sambhaji Kuntwad

WITH

CIVIL APPLICATION NO. 5349 OF 2025 IN FA/1395/2019

AND

FIRST APPEAL NO. 1396 OF 2019

Executive Engineer, Latur Minor Irrigation Division, Latur
Under G.m.i.d.c., Aurangabad And Anr
VERSUS
Ganesh Nagorao Mane

WITH

CIVIL APPLICATION NO. 5351 OF 2025
IN FA/1393/2019

AND
FIRST APPEAL NO. 1390 OF 2019

Executive Engineer, Latur Minor Irrigation Division, Latur
Under G.m.i.d.c., Aurangabad And Anr
VERSUS
Manohar Ramkrushna Bure
AND
FIRST APPEAL NO. 1389 OF 2019

Executive Engineer, Latur Minor Irrigation Division, Latur
Under G.m.i.d.c., Aurangabad And Anr
VERSUS
Balaji Nagorao Mane
AND
FIRST APPEAL NO. 1393 OF 2019

Executive Engineer, Latur Minor Irrigation Division, Latur
Under G.m.i.d.c., Aurangabad And Anr
VERSUS
Govind Shivaji Mane
AND
FIRST APPEAL NO. 1394 OF 2019

Executive Engineer, Latur Minor Irrigation Division, Latur
Under G.m.i.d.c., Aurangabad And Anr
VERSUS
Madhav Kisan Janapure
AND
FIRST APPEAL NO. 1392 OF 2019

Executive Engineer, Latur Minor Irrigation Division, Latur
Under G.m.i.d.c., Aurangabad And Anr
VERSUS
Balawant Shivaji Mane
WITH
CIVIL APPLICATION NO. 5350 OF 2025
IN FA/1389/2019
AND

FIRST APPEAL NO. 1391 OF 2019

Executive Engineer, Latur Minor Irrigation Division, Latur
Under G.m.i.d.c., Aurangabad And Anr
VERSUS
Vyankat Tulshiram Waghmare
WITH
CIVIL APPLICATION NO. 5345 OF 2025
IN FA/1392/2019
WITH
CIVIL APPLICATION NO. 5344 OF 2025 IN FA/1388/2019
WITH
CIVIL APPLICATION NO. 5343 OF 2025 IN FA/1390/2019
WITH
CIVIL APPLICATION NO. 5346 OF 2025 IN FA/1396/2019
WITH
CIVIL APPLICATION NO. 5347 OF 2025 IN FA/1394/2019
WITH
CIVIL APPLICATION NO. 5348 OF 2025 IN FA/1391/2019

.....

CORAM : AJIT B. KADETHANKAR, J.

DATED : 31ST OCTOBER, 2026

P.C. :-

. All these First Appeals could be conveniently disposed of at the stage of admission. The details of the appeals are as follows:

Sr. No.	First Appeal No.	L.A.R. No.	Judgment date	Court
1	1388 of 2019	280 of 2008	21.11.2013	Joint Civil Judge Senior Division, Ahmadpur
2	1389 of 2019	299 of 2008	21.11.2013	Joint Civil Judge Senior Division, Ahmadpur
3	1390 of 2019	294 of 2008	21.11.2013	Joint Civil Judge Senior Division, Ahmadpur

Sr. No.	First Appeal No.	L.A.R. No.	Judgment date	Court
4	1391 of 2019	297 of 2008	21.11.2013	Joint Civil Judge Senior Division, Ahmadpur
5	1392 of 2019	291 of 2008	21.11.2013	Joint Civil Judge Senior Division, Ahmadpur
6	1393 of 2019	301 of 2008	21.11.2013	Joint Civil Judge Senior Division, Ahmadpur
7	1394 of 2019	289 of 2008	21.11.2013	Joint Civil Judge Senior Division, Ahmadpur
8	1395 of 2019	298 of 2008	21.11.2013	Joint Civil Judge Senior Division, Ahmadpur
9	1396 of 2019	281 of 2008	21.11.2013	Joint Civil Judge Senior Division, Ahmadpur
10	1397 of 2019	302 of 2008	21.11.2013	Joint Civil Judge Senior Division, Ahmadpur

2. The subject matter lands in all these First Appeals were acquired by the appellant/Acquiring Body for the purpose of Storage Tank at Vanjarwada (Chera Storage Tank) Tq. Jalkot, District Latur. For that, learned Advocates for both the sides rely on judgment and order passed by this Court on 16.10.2026 in First Appeal No.1387 of 2019. A copy of the same is taken on record and marked as Exhibit X for the purpose of identification.

3. The impugned judgment and award is part of the common judgment and award passed by the Reference Court in number of matters. After complying with all the formalities

under the Land Acquisition Act, the Special Land Acquisition Officer declared the award. Feeling dissatisfied by the deficit award amount, the claimants lodged application for enhancement under Section 18 of the Land Acquisition Act before the Reference Court.

4. After assessing the evidence on record, the Reference Court with a reasoned judgment and award dated 21.11.2013 granted enhancement to the claimants therein. While passing the common judgment and award, the Reference Court relied on the judgment and award passed by the Special Court in Land Acquisition Reference No.40 of 2007. Suffice it to note, the said Land Acquisition Reference No.40 of 2007 arose out of the same land acquisition procedure which was subject matter before the Reference Court.

5. For the purpose of fixing the compensation, the Reference Court applied the same rate which was granted in Land Acquisition Reference No.40 of 2007. Compensation in the L.A.R. No.40 of 2007 was granted at the rate of Rs.1,44,463/- per hectare. As observed above, in the present matters also the Reference Court fixed the compensation on the basis of the Land Acquisition Reference No.40 of 2007.

However while passing the judgment and award, the amount of compensation is mentioned as per acre instead of per hectare.

6. Mr. R. B. Surwase h/f Mr. B. R. Surwase, learned advocate for the appellants – acquiring body would point out that in fact it is an undisputed fact that the compensation granted in L.A.R. No.40 of 2007 is Rs.1,44,463/- per hectare. He would submit that it is not in dispute that the compensation granted in the present cases is absolutely based on the compensation granted in L.A.R. No.40 of 2007. He would submit that merely because of the typographical error, the Reference Court while passing the impugned judgment and award, erroneously recorded compensation of Rs.1,44,463/- per acre. Thus, he submits that the appeals be allowed by holding that correct compensation would be Rs.1,44,463/- per hectare.

7. Mr. G. K.Sontakke, learned advocate for the claimants in all fairness submits that apparently the compensation which is based on Land Acquisition Reference No.40 of 2007 ought to be Rs.1,44,463/- per hectare. He is fair enough to submit that the claimants do not want to take undue advantage of the

error occurred in the impugned judgment and award whereby instead of per hectare, the compensation is fixed per acre.

8. Suffice it to note, the rate granted in L.A.R. No.40 of 2007 is in respect of dry land. Further, Mr. Surwase, learned advocate for the appellants submits that in view of the law laid down by Full Bench of this Court in ***State of Maharashtra Vs. Kailas Shiva Rangari, 2016(4) All MR 513*** the directions as regards interest needs to be modified. To this, Mr. Sontakke, learned advocate for respondents/claimants does not oppose since it is the law laid down by the Full Bench of this Court.

9. Considering the submissions advanced by learned advocates for the parties, I pass the following order:-

ORDER

a. First Appeals are partly allowed.

b. The entitlement of the claimants shall be at Rs.1,44,463/- per hectare (for dry land). To that extent, the impugned award stands modified.

c. The interest part shall be covered by the law laid down by the Full Bench of this Court in ***Kailas Shiva Rangari*** (Supra).

d. The Acquiring Body has deposited the entire amount in this court. The claimants are permitted to withdraw the balance amount for which they are entitled, after application of the law laid down in ***Kailas Shiva Rangari*** (Supra).

e. The appellant/acquiring body is entitled for refund of excess amount, if any, found to have been deposited.

f. Security already offered if any, stands discharged.

g. In view of disposal of First Appeals, pending Civil Applications also stand disposed of.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026