2026:BHC-AUG:51911

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 FIRST APPEAL NO. 3316 OF 2023

Gundu Satappa Choudhari
VERSUS
The State Of Maharashtra And Anr

AND
FIRST APPEAL NO. 3317 OF 2023

Babu Sidram Dalal
VERSUS
The State Of Maharashtra And Anr

AND
FIRST APPEAL NO. 3318 OF 2023

Madhukar Kant Sutar U/g Minor Grand Mother Indubai
VERSUS
The State Of Maharashtra And Anr

AND
FIRST APPEAL NO. 3319 OF 2023

Babu Kashinath Sakhare
VERSUS
The State Of Maharashtra And Anr

Mr.Vivekanant V. Ingale, Advocate for appellants in F.A. Nos.3318 and 3316 of 2023

Mr.M.L.Dharashive, Advocate for appellants in F.A. Nos.3317 and 3319 of 2023

Mr.A.V.Lavate, AGP for respondent – State

CORAM : AJIT B. KADETHANKAR, J.
DATE : OCTOBER 23, 2026

PER COURT :-

These four appeals can conveniently be disposed of at the stage of admission on the backdrop that the rate of compensation is already fixed by this Court in a number of matters arising out of the same land acquisition.

2. Mr.Ingale and Mr.Dharashive, learned advocates for the appellants in the respective appeals would submit that the lands of the appellants were acquired for the purpose of rehabilitation of earthquake-affected persons of Sastur village. The notification under Section 4 of the Land Acquisition Act ("the Act", for brevity) was published on 12.01.1994. After completing the formalities, the S.L.A.O. declared the award and offered the compensation.

3. Feeling dissatisfied with the inadequate offer, the claimants approached the Reference Court under Section 18 of the Act. After assessing the evidence on record, the Reference Court enhanced the compensation but not met the demand of the claimants as was made in the Reference application, Thus, for further enhancement the claimants are before this Court in these First Appeals.

4. Today, Mr.Ingale and Mr.Dharashive, learned advocates for the appellants, invite my attention to an order dated 15.09.2026 passed in First Appeal Stamp No.34252 of 2018 and submit that the present appeals are squarely covered by the cited order.

5. After going through the cited order, it appears that the said order was passed on the basis of earlier order dated 13.07.2026 in First Appeal Nos.388 of 2019 and 15.06.2026 in First Appeal No.12 of 2018. This Court therein decided the rate of compensation at the rate of Rs.20/- per sq.ft (Rs.20,000/- per R). Suffice it to note, the land acquisition process in the cited order and earlier orders was same, which is the subject-matter in the present First Appeals.

6. After going through the cited orders, Mr.Lavate, learned AGP would fairly submit that these First Appeals are covered by the earlier orders.

7. In view of the above, present First Appeals are partly allowed in the following terms:-

A. The appellants are entitled for compensation at Rs.20/- per sq. ft. (Rs.20,000/- per R) (applicable for dry land) for the acquired land.

B. The appellants shall be entitled to interest under Sections 28 and 34 of the Land Acquisition Act from the date of final award as per the judgment in the **State of Maharashtra Vs. Kailash Shiva Rangari, 2016(4) All M.R. 513**.

C. Save and except above modification, the impugned judgment and award shall stand unaltered.

D. The appellants shall not be entitled to receive interest and statutory benefits for the delayed period.

E. The appellants shall pay the deficit court fee

F. The respondent/acquiring body shall deposit the enhanced compensation in this court within six months from today. Any amount already paid/deposited shall be adjusted.

G. The deposit shall carry updated interest.

H. If such amount is deposited, the appellants shall be at liberty to withdraw the same without filing separate Civil Application.

[AJIT B. KADETHANKAR, J.]

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