IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
917 FIRST APPEAL NO. 1057 OF 2010

The State Of Mah
VERSUS
Sudhir Govind Pawar

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Mr. A. M. Phule, AGP for State.
Mr. B. K. Pawar for the Respondent.

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 22 OCTOBER 2026

P. C.:

1. As the acquisition proceeding is of the year 1993, the Appeal is being heard finally with the consent of learned counsel for the respective parties.

2. By this Appeal, the State is assailing the judgment and award dated 18th December 2007, passed by the leanred Jt. CJSD, Omerga in LAR No.44/2005 whereby, enhanced compensation came to be granted.

3. The land of the claimant from village Naichakur was acquired for Sarvadi Medium Project. The notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") was published on 2nd September 1993 and award under Section 11 was passed on 31st August 1995.

4. Learned counsel submit that the present First Appeals can be disposed of in view of order passed by this Court in First Appeal No.1257/2008 with connected matter on 18th August 2026 arising out of same project namely

Sarvadi Medium Project and same village i.e. Naichakur.

5. As this Court has already decided the Appeals arising out of same village and same project, I am inclined to adopt the same view. The present Appeal is disposed of in view of the order passed in First Appeal No.1257/2008 with connected matter on 18th August 2026 whereby both the Appeals filed by the State and claimant were partly allowed thereby setting aside the compensation awarded towards the trees and structures and enhancing the compensation towards the acquired land @Rs.66,000/- per acre. Hence, I pass the following order:-

O R D E R

i. The First Appeal filed by the State is partly allowed.

ii. The claimant is entitled to receive compensation @Rs.66,000/- per hectare for their acquired lands.

iii. The impugned award to the extent of grant of compensation towards the trees and the structures is quashed and set aside.

iv. Rest of the impugned award stands confirmed.

v. Modified award be drawn accordingly.

vi. The claimant shall not be entitled to statutory benefits or interest for the delayed period, if any.

vii. Deficit Court fees be paid.

viii. The Office shall calculate the amount payable to or

recoverable from the claimants after giving due adjustment to the amount already paid and/or withdrawn by them and after adjusting the amount payable towards his acquired land.

ix. If, after such adjustment, any excess amount is found to have been received by the claimant towards compensation for the trees and structures, the claimant shall refund the said amount, together with applicable interest, within a period of twelve weeks from today.

x. If the claimant fails to deposit the amount as aforesaid within twelve weeks from today, the Collector, Osmanabad shall initiate appropriate proceeding to recover the amount, together with the interest at the prevailing bank rate in accordance with law and file a compliance report before this Court of the action taken.

xi. Conversely, if any amount remains payable to the claimants after adjustment, the same shall be paid in accordance with law.

xii. Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE, J.]