2026:BHC-AUG:46830



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1484 OF 2019

1. The Executive Engineer,
Patbandhare Majbutikaran Division,
Omerga, Dist. Osmanabad.

2. The State of Maharashtra,
Through The Collector at Osmanabad.

3. The Special Land Acquisition Officer,
No.2, Osmanabad, Dist. Osmanabad.

.....APPELLANTS
(Orig. R. Nos.3, 1 & 2)

*VERSUS*

Anil Balasaheb Patil,
Age: Major, Occu: Agri,
R/o Sawargaon, Tq. Tuljapur,
Dist. Osmanabad.

.....RESPONDENT
(Orig. Claimant)

WITH

FIRST APPEAL NO. 1485 OF 2019

1. The Executive Engineer,
Patbandhare Majbutikaran Division,
Omerga, Dist. Osmanabad.

2. The State of Maharashtra,
Through The Collector at Osmanabad.

3. The Special Land Acquisition Officer,
No.2, Osmanabad, Dist. Osmanabad.

.....APPELLANTS
(Orig. R. Nos.3, 1 & 2)

*VERSUS*

Balaji Chandrakant Patil,
Age: Major, Occu: Agri,
R/o Sawargaon, Tq. Tuljapur,
Dist. Osmanabad.

.....**RESPONDENT**
(Orig. Claimant)

**WITH**
**FIRST APPEAL NO. 1486 OF 2019**

1. The Executive Engineer,
Patbandhare Majbutikaran Division,
Omerga, Dist. Osmanabad.

2. The State of Maharashtra,
Through The Collector at Osmanabad.

3. The Special Land Acquisition Officer,
No.2, Osmanabad, Dist. Osmanabad.

.....**APPELLANTS**
(Orig. R. Nos.3, 1 & 2)

***VERSUS***

Usha Baliram Naikwadi,
Age: Major, Occu: Agri,
R/o Sawargaon, Tq. Tuljapur,
Dist. Osmanabad.

.....**RESPONDENT**
(Orig. Claimant)

**WITH**
**FIRST APPEAL NO. 1487 OF 2019**

1. The Executive Engineer,
Patbandhare Majbutikaran Division,
Omerga, Dist. Osmanabad.

2. The State of Maharashtra,
Through The Collector at Osmanabad.

3. The Special Land Acquisition Officer,
No.2, Osmanabad, Dist. Osmanabad.

.....**APPELLANTS**
(Orig. R. Nos.3, 1 & 2)

***VERSUS***

Dnyandeo Balbhimrao Patil,
Age: Major, Occu: Agri,
R/o Sawargaon, Tq. Tuljapur,
Dist. Osmanabad.

.....**RESPONDENT**
(Orig. Claimant)

...

Mr. G. B. Rajale, Advocate for Appellants
Ms. L. R. Thakur h/f Mr. L. C. Patil, Advocate for Respondent

...

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

**DATED : 05TH OCTOBER, 2026**

**P.C. :-**

. Mr. G. B. Rajale, learned Advocate for the respective appellants submits that pursuant to the discharge of the earlier Advocate for the appellant, Mr. V. S. Badakh, he has filed his Vakalatnama to represent the appellants.

2. Feeling aggrieved by the common judgment and award dated 20.01.2015 passed by 2nd Joint Civil Judge Senior Division, the Acquiring Body has preferred these First Appeals:

| Sr. No. | First Appeal No. | L.A.R. No. | Date of Judgment |
|---|---|---|---|
| 1. | 1484 of 2019 | 662 of 2011 | 20.01.2015 |
| 2. | 1485 of 2019 | 650 of 2011 | 20.01.2015 |
| 3. | 1486 of 2019 | 951 of 2011 | 20.01.2015 |
| 4. | 1487 of 2019 | 661 of 2011 | 20.01.2015 |

3. Vide common judgment and award, the Reference Court granted compensation to the claimants @ Rs.3,000/- per R for dry land. Some compensation towards tree is also granted.

Feeling aggrieved thereby, the Acquiring Body has filed these First Appeals objecting that the compensation is exorbitant.

4. When the matters are taken up for hearing, Mr. G. B. Rajale, learned Advocate for the respective appellants fairly tenders on record a copy of order dated 28.07.2026 passed by this Court in a group of First Appeals led by First Appeal No.2948 of 2017. He would submit that the cited cases arose out of the same land acquisition process which is the subject matter of the present First Appeals. He submits that even the villages are also identical. In the cited matters, this Court has determined the market value @ Rs.3,000/- per R for dry land and Rs.6,000/- per R for irrigated land.

5. Said order is taken on record and marked as Annexure-X for the purpose of identification. I also find that no convincing material is produced before this Court in present First Appeals to take exception to the compensation granted for trees and structures. In view of this, once this Court in the identical circumstances and in the similar matters has fixed the rate of compensation as observed supra, the objection in the First Appeals does not survive.

6. Suffice to note, the objection raised by the appellants to the extent of interest must be accepted in terms of the law laid down by Full Bench of this Court in the case of ***State of Maharashtra Vs. Kailash Shiva Rangari, 2016(3) Mh.L.J. 457***. To that extent impugned judgment and award is liable to be modified. There is no need to interfere in the compensation granted by the Reference Court. In view of this, I pass following order:

**ORDER**

a. First Appeals are partly allowed.

b. The interest part shall be governed by the full bench judgment of this Court in the case of ***Kailash Shiva Rangari (supra)***. Rest of the judgment and award stands maintained.

c. Claimants shall be entitled to withdraw the compensation with accrued interest after adjustment of the statutory interest as per the law laid down in the case of ***Kailash Shiva Rangari (supra)***.

d. Any amount if excess deposited by the Acquiring Body is found, the same be returned to the appellant/Acquiring Body.

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

*Rushikesh/2026*