2026:BHC-AUG:52353

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 **FIRST APPEAL NO. 1585 OF 2018**

Maruti Ganpatrao Ingale
VERSUS
The State Of Maharashtra And Anr

...
Advocate for Appellant : Mr. Ingale Vivekanand V.
AGP for Respondents: Mr.Virdhe B.V.
...

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

PER COURT :-

Feeling aggrieved by the judgment and award dated 16.09.2010 passed by learned Civil Judge Senior Division, Omerga, in L.A.R. No.1137 of 2009 the claimant is before this Court.

2. The land of the appellant was acquired for the purpose of rehabilitation of earthquake affected persons at village Pethsangavi, Narangwadi, Tq. Omerga, Dist. Osmanabad. After completion of the entire land acquisition proceedings the S.L.A.O. quantified the award and offered the compensation. Feeling the compensation to be inadequate the claimants filed Reference Application under Section 18 of the Land Acquisition Act, 1894 before the Reference Court. The Reference Court enhanced the compensation but not to the extent for

which the reference was filed. Feeling dissatisfied thereby the claimants are before this Court.

3. Mr.Ingale, learned advocate for the appellant places a copy of the **order dated 28.09.2026 passed by this Court in a group First Appeals led by First Appeal No.435 of 2014 (The State of Maharashtra and others Vs. Rambhau Bhimrao Lugade)**. He would submit that the cited matter arose out of the same Land Acquisition proceedings. He submits that this Court after considering the matter in totality, has fixed the rate of compensation at the rate of Rs.250/- per sq. metre in respect of the acquired land after giving effect to a deduction of 32% in respect of the acquired area. He submits that in view of the cited order, the appeal may be partly allowed in the similar terms.

4. Mr.Virdhe, learned AGP would point to his objections which is recorded at paragraph 12 of the cited order. The same objections are again raised by the acquiring body in this appeal.

5. With the able assistance of both sides, I have gone through the cited order. I find that this court with reasoned order has already decided the First Appeals of the acquiring body and the

claimants after considering the arguments advanced by both the parties. I am in full agreement with the view taken by this court in the cited order.

6. Hence, the First Appeal is partly allowed in the following terms:-

(i) The appellant/claimant is held entitled for compensation at the rate of Rs.250/- per sq. metre after giving effect to a deduction of 32% in respect of the acquired area.

(ii) The appellant/claimant shall be entitled to all consequential statutory benefits on the enhanced compensation in accordance with the provisions of the Land Acquisition Act, 1894.

(iii) The appellant/claimant shall be entitled to interest under Sections 28 and 34 of the Act strictly in accordance with the law laid down by the Full Bench of this Court in **State of Maharashtra v. Kailash Shiva Rangari, 2016(3) Mh.L.J. 457**.

(iv) The amount of compensation already paid to the claimants shall be duly adjusted.

(v) The appellant/claimant shall pay the deficit court fees on the enhanced compensation, if any.

(vi) The appellant/claimant shall not be entitled to statutory benefits and interest for the period of delay, if any,

(vii) The rest of the Judgment and Award passed by the learned Reference Court in the aforesaid Land Acquisition Reference shall remain unaltered.

(viii) The modified award shall be drawn accordingly.

[AJIT B. KADETHANKAR, J.]

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KBP