IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 FIRST APPEAL NO. 1212 OF 2008

Shivaji Niwarti Shinde
VERSUS
The State Of Maharashtra And Another

.....

Mr. B K Pawar, Advocate for Appellant-Claimant
Mr. S.N. Morampalle, AGP for Respondent No.1-State

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 23 OCTOBER, 2026

PER COURT :

1. Heard the learned counsel for the respective parties.

2. By this appeal, the appellant-claimant challenges the Judgment and Award dated 30.07.2007 passed by the learned Civil Judge, Senior Division, Latur, in Land Acquisition Reference No.279 of 2006, in respect of the land situated at village Lamjana, Taluka Ausa, District Latur, acquired for construction of a Percolation Tank at village Lamjana.

3. Learned counsel appearing for the appellant-claimant submits that this Court has already decided an appeal arising out of the same project and under the same notification. By judgment dated 05.08.2026 passed in First Appeal No.303 of 2006, this Court determined the compensation at the rate of Rs.1,666/- per R, i.e. Rs.1,66,600/- per hectare. The said decision was subsequently followed by this Court in First Appeal No.1146 of 2008 by order dated 04.09.2026. The learned AGP for the respondent-State fairly concedes the aforesaid position.

4. Having considered the submissions advanced by the learned counsel for the respective parties, and in view of the fact that the issue involved in the present appeal is squarely covered by the aforesaid decisions of this Court, I see no reason to take a different view. The appeal, therefore, deserves to be partly allowed. Hence, the following order:

O R D E R

(i) The First Appeal is partly allowed.

(ii) The Judgment and Award dated 30.07.2007 passed by the learned Civil Judge, Senior Division, Latur, in Land Acquisition Reference No.279 of 2006 stands modified to the extent that the claimants shall be entitled to compensation at the rate of Rs.1,666/- per R, i.e. Rs.1,66,600/- per hectare, for the acquired non-irrigated land.

(iii) The claimants shall be entitled to all consequential statutory benefits. Interest under Sections 28 and 34 of the Land Acquisition Act, 1894, shall be payable in accordance with the law laid down by the Full Bench of this Court in ***State of Maharashtra v. Kailash Shiva Rangari, reported in 2016 (3) Mh.L.J. 457***.

(iv) The claimants shall not be entitled to interest and statutory benefits for the period of delay, if any.

(v) Save and except the aforesaid modification, the rest of the impugned Judgment and Award shall remain unaltered.

(vi) The claimants shall pay the deficit Court fees, if any, on the enhanced amount of compensation.

(vii) The modified award be drawn accordingly.

(viii) Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane