IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 FIRST APPEAL NO. 3500 OF 2011

THE STATE OF MAHARASHTRA AND ANR
VERSUS
NARAYAN BABURAO REDDI PATIL
...
AGP for appellants/State : Mr. A.M. Phule
Advocate for Respondent : Mr. V.D. Gunale
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : October 27, 2026

PER COURT :-

1. Heard the learned counsel for the respective parties.

2. The present appeal arises out of the Judgment and Award dated 8.4.2008 passed by the learned Civil Judge, Senior Division, Nilanga, in LAR No. 169/2003.

3. The land of the claimant situated at village Dadagi was acquired for construction of the Dadagi-Bhangar-Chincholi Joint road by issuing notification under section 4 of the Land Acquisition Act on 22.5.1995.

4. The learned AGP for the appellants/State has tendered across the Bar a copy of the judgment and order dated 7.10.2026 passed by this Court in FA No. 3499/2011 (The State of Maharashtra and Anr. Vs. Balaji Kashinath Reddi (Patil)) and submits that the land of the claimant was acquired from the same village, for the same public purpose i.e. Dadagi-Bhangar-Chincholi Joint Road, and under the very same notification as involved in the aforesaid appeal. It is, therefore, contended that the controversy involved in the present appeal is squarely covered by the judgment and order in FA No. 3499/2011 and consequently, the present appeal deserves to be disposed of in terms thereof. The learned counsel

appearing for the respondent/claimant fairly concedes the aforesaid position.

5. Having considered the submissions advanced by the learned counsel for the respective parties, and in view of the admitted position that the controversy involved in the present appeal is identical to the one decided by this Court in FA No. 3499/2011 (supra), I see no reason to take a different view. The present appeal, therefore, deserves to be disposed of in terms of the said judgment and order. Hence, the following order:

O R D E R

(i) The appeal filed by the State is allowed.

(ii) The enhancement of compensation granted by the learned Reference Court in LAR No. 44 of 2002 towards the trees is hereby quashed and set aside and to that extent impugned judgment and award stands modified.

(iii) The remaining part of the judgment and award passed by the learned Reference Court is maintained.

(iv) The claimant is directed to deposit the amount liable to be refunded pursuant to this order before this Court within a period of twelve weeks from today.

(v) In the event of failure on the part of the claimant to deposit the aforesaid amount within the stipulated period, the Collector, Latur, shall initiate appropriate proceedings for recovery of the amount in accordance with law.

(vi) Place the matter on 13th January 2027 for reporting compliance.

(vii) Modified award be drawn accordingly.

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

(SIDDHESHWAR S. THOMBRE, J.)

ssc/