IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
921 FIRST APPEAL NO. 2089 OF 2009

Ankush Sakharam Chavan
VERSUS
The State Of Mah And Ors

WITH
FIRST APPEAL NO. 237 OF 2009

Laxman Ramrao Chavan
VERSUS
The State Of Maharashtra And Ors

WITH
FIRST APPEAL NO. 2090 OF 2009

Prakash Ramrao Chavan
VERSUS
The State Of Mah And Ors

WITH
FIRST APPEAL NO. 2092 OF 2009

Shankar Maroti Chavan
VERSUS
The State Of Mah And Ors

WITH
FIRST APPEAL NO. 2093 OF 2009

Venkat Ramrao Chavan
VERSUS
The State Of Mah And Ors

WITH
FIRST APPEAL NO. 2094 OF 2009

Govind Ramrao Chvan
VERSUS
The State Of Mah And Ors

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Mr. Gopal D. Kale for the Appellants.
Mr. S. N. Morampalle, AGP for State.
Mr. Ruturaj C. Patil for Respondent No.3.

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

P. C.:

1. 1. As the acquisition proceeding is of the year 1999, the Appeals are being heard finally with the consent of learned counsel for the respective parties.

2. By these Appeals, the claimants are assailing the judgments and awards passed by CJSD, Kandhar in LAR Nos.195, 196, 200, 201, 202 and 203 of 2004 whereby, compensation to the extent claimed by the claimants came to be refused.

3. The land of the claimants from village Paratpur, Tq. Mukhed, Dist. Nanded was acquired for submergence of Lendi Project. The notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") was published on 10th June 1999 and award under Section 11 was passed on 12th January 2001. The LAO awarded compensation @Rs.713/- per R which was enhanced by the learned Reference Court to Rs.863/- per R.

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.661/2011 with connected matters on 25th August 2026 arising out of same project.

5. As this Court has already decided the Appeals arising out of same project, I am inclined to adopt the same view. The present Appeals are disposed of in view of the order passed in First Appeal No.661/2011 with connected matters decided on 25th August 2026 wherein the First Appeals filed by the claimants were partly allowed and compensation @Rs.2723/- per R for dry land and Rs.5446/- per R for irrigated land was awarded.

6. A perusal of record and proceeding, particularly the impugned award reveals that the learned Reference Court has treated the acquired lands as dry lands. Without disturbing the said finding, I am inclined to award the compensation at the rate applicable to dry lands. Hence, I pass the following order:-

O R D E R

i. The present First Appeals filed by the claimants are partly allowed.

ii. The judgments and awards passed by CJSD, Kandhar in LAR Nos.195, 196, 200, 201, 202 and 203 of 2004 are modified to the extent that the claimants are entitled to compensation @Rs.2723/- per R for dry land as per the categorization of nature of land made by the learned Reference Court.

iii. The claimants are entitled to all statutory benefits as per the provisions of the Land Acquisition Act, 1894 and

interest under Sections 28 and 34, as the case may be, as per the law laid down by Full Bench of this Court in ***State of Maharashtra Vs. Kailash Shiva Rangari*** (2016(3) Mh.L.J. 457).

iv. Rest of the award passed by the learned Reference Court remains unaltered.

v. Modified award be drawn accordingly.

vi. Deficit Court fee be paid.

vii. Pending civil applications, if any, are also disposed of.

7. Considering the fact that the matters are pending since long, the learned counsel for the claimants is not aware if the claimants are alive. Hence, in case the claimants are not alive, their legal heirs are permitted to file appropriate legal proceedings.

[SIDDHESHWAR S. THOMBRE, J.]