IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
901 FIRST APPEAL NO. 2240 OF 2016

Antoba Vithal Suryawanshi
VERSUS
The State Of Maharashtra And Another

WITH
FIRST APPEAL NO. 2542 OF 2016

Shrimant Vishwanath Alange
VERSUS
The State Of Maharashtra And Another

WITH
FIRST APPEAL NO. 2543 OF 2016

Vinayak Shankar Sathe
VERSUS
The State Of Maharashtra And Another

AND
FIRST APPEAL NO. 2544 OF 2016

Hanumant Vishwanath Alange
VERSUS
The State Of Maharashtra And Another

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Mr. S. B. Choudhari for the Appellants.
Mr. A. M. Phule, AGP for the State.

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 29 OCTOBER 2026

P. C.:

1. As the acquisition proceeding is of the year 1994, 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 judgment and award dated 31st January 2015, passed by learned CJSD, Omerga in LAR Nos.737, 740, 707, 741 of 2009 whereby, enhanced compensation came to be granted.

3. The land admeasuring 1 hectare 40R belonging to the claimants from village Makani, Tq. Omerga, Dist. Osmanabad was acquired for the purpose of rehabilitation of earthquake affected persons from village Makani, Karajgaon and Chincholi. The notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") was published on 30th March 1995 and award under Section 11 was passed on 3rd March 1998. The LAO awarded rate of Rs.18,000/- per hectare whereas the claimants claimed compensation @Rs.35/- per sq. ft. The learned Reference Court awarded compensation @Rs.13,000/- per R for 98R land (Rs.12.08/- per sq. ft.).

4. Both th learned counsel submit that the present First Appeals can be disposed of in view of order passed by this Court in First Appeal No.2239/2016 on 22nd October 2026 arising out of same project, notification and village.

5. As this Court has already decided the Appeal arising out of same project, notification and village, I am inclined to adopt the same view. The present Appeals are disposed of in view of the order passed in First Appeal No.2239/2016 on 22nd October 2026 whereby Appeal filed by the claimants

was partly allowed and compensation @Rs.35/- per sq. ft. was awarded for 98R land by deducting 30% acquired area towards development costs as the land of the claimants therein was converted into non-agricultural use.

6. In the present matter, the land has not been converted into non-agricultural use. Therefore, there is no need for deduction in area. Hence, I pass the following order:-

O R D E R

i. The present Appeal filed by the claimants is partly allowed.

ii. The judgment and award dated 31st January 2015, passed by learned CJSD, Omerga in LAR Nos.737, 740, 707, 741 of 2009 is modified to the extent that the claimants are entitled to receive the rate of Rs.35/- per sq. ft. for their acquired land.

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.

[SIDDHESHWAR S. THOMBRE, J.]