IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.1776 OF 2018
WITH
CIVIL APPLICATION NO. 11649 OF 2026

Mohammad Bahauddin S/o
Mohd. Khaja Died by L.Rs.

1. Akhtar Begam W/o
Moh. Bahoddin Patel
Age: 70 years, Occu: Household.

2. Patel Shakir S/o Moh. Bahoddin
Age:36 years, Occu Agril.
Both R/o Ravangaon
Tq. Mukhed, Dist. Nanded ..Appellants

VERSUS

1. The State of Maharashtra,
Through District Collector, Nanded

2. The Special Land Acquisition Officer,
Minor Irrigation Works, Nanded.

3. The Executive Engineer,
Vishnupuri Project Division No. 1,
Nanded. ..Respondents

Mr.G.N.Chincholkar, Advocate for appellants
Mr.R.K.Ingole, AGP for respondent nos.1 and 2
Mr.B.V.Virdhe h/f. Mrs.Chaitali Choudhari - Kutti, Advocate for respondent no.3

CORAM : AJIT B. KADETHANKAR, J.
DATE : OCTOBER 07, 2026

PER COURT :-

Feeling aggrieved by the judgment and award dated 24.03.2009 passed by learned Civil Judge Senior Division, Kandhar in L.A.R. No.22 of 2007 (New) and L.A.R. No.10 of 2008 (Old) the claimants are before this court seeking enhancement in the amount of compensation.

2. Two pieces of different agricultural lands comprised in Gut No.72 as also Gut No.97/P of village Rawangaon, Tq. Mukhed, Dist. Nanded came to be acquired by the respondent authorities for the purpose of submergence area of Lendi Project. One Mohd. Bahauddin happened to be the owners of these lands. The present appellants are legal representatives of deceased Mohd. Bahauddin. The acquiring body published Notification under Section 4 of the Land Acquisition Act on 04.03.1999. After completing the formalities, final award came to be published on 24.02.2000. The S.L.A.O. granted very meagre compensation to the appellants/claimants and hence reference under Section 18 of the Act of 1894 was filed by the owner before the Reference Court. After assessing the evidence on record the Reference Court partly allowed the reference petition vide judgment and award dated 24.03.2009. The Reference Court held the claimants entitled for compensation at

the rate of Rs.767.08 per R instead of Rs.617.08 per R for land comprised in Gut No.87/P. For the land situated in Gut No.72 Reference Court granted compensation at the Rate of Rs.819.77 per R instead of Rs.669.77 per R. Feeling aggrieved by the fixed compensation the claimants/legal representatives of Mohd. Bahauddin are before this court.

3. Mr.Chincholikar, learned advocate for the appellants cites an order dated 18.06.2006 passed by this court in First Appeal Nos.3677 of 2008 and 4050 of 2008 arising out of same land acquisition proceedings. Said copies are taken on record and marked as annexure “X” for identification. He submits that these appeals arose out of the land acquisition references which was part of Section 4 Notification dated 04.03.1999 and the final award dated 11.09.2003. He further submits that the lands which were the subject-matter of the cited cases are also from the same village wherein the lands in the present appeal are situated. He submits that after considering all the things this court fixed the rate of compensation at the rate of Rs.2723/- per R for dry land; Rs.5446 for irrigated land; and Rs.4084/- per R for seasonally irrigated land. He further submits that there is no dispute that the lands of the present appellants was dry land and it would fetch rate of Rs.2723/-

per R for the dry land. He takes me through paragraph 3 of the cited order wherein this court has discussed the evidence to fix the rate of compensation.

4. Mr.Virdhe holding for Mrs.Kutti, learned advocate for the respondent – acquiring body takes me through the cited order and fairly agrees with the contention raised by Mr.Chincholkar. He submits that since this court has already fixed the rate of compensation for the same project the appellants may be entitled for the same rate of compensation. He however objects to the interest part that was granted by the reference court.

5. Considering the above, I pass the following order:-

A) First Appeals are partly allowed.

B) The appellants are held entitled for compensation at the rate of Rs.2723 per R applicable for dry land. To that extent the award is modified. Interest part shall be governed by the principles laid down by the Full Bench in the case of **State of Maharashtra Vs. Kailas Shiva Rangari, 2016(4) All MR 513.**

C) The acquiring body shall deposit the compensation with accrued interest thereon in this court within six months from today.

D) Needless to mention, the amount, if any, already deposited by the acquiring body shall be adjusted while satisfying the enhancement. After such amount is deposited, the appellants shall be entitled to withdraw the same without making any separate Civil Application, however, to the satisfaction of learned Registrar (Judicial) of this court.

[AJIT B. KADETHANKAR, J.]

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