IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 FIRST APPEAL NO. 3171 OF 2018

BANSI SMBHAJI KARPE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...
Mr. V. H. Solanke, Advocate for Appellants
Mr. K. B. Jadhavar, AGP for Respondents Nos.1 and 2 – State
Mr. B. R. Survase, Advocate for Respondent No.3
...

CORAM : AJIT B. KADETHANKAR, J.
DATED : 1st October 2026

P.C. :-

. Feeling aggrieved by the judgment and award dated 28.06.2013 passed by the learned District Judge-II, Ambajogai in Land Acquisition Reference No.122 of 2004, the appellants have filed the present First Appeal seeking enhancement in the compensation.

2. Considering the very short controversy involved in the matter and at the behest of the parties, I have heard the First Appeal for final disposal at the admission stage.

3. Appellants' agricultural land which divided into several categories was acquired by the respondent-acquiring body for the construction of Undri Bhrat Minor Irrigation Tank at

Jawalban, Bhtumba and Anandgaon, Tal. Kaij Dist. Beed. The appellants challenged the award passed by the Special Land Acquisition Officer under Section 18 of the Land Acquisition Act before the Reference Court. After assessing the evidence on record, the Reference Court held the appellants entitled for compensation at the rate of Rs.1,500/- per R considering the land as jirayat.

4. Feeling aggrieved thereby, the appellants have filed the present First Appeal seeking enhancement in the compensation.

5. Notice was issued. The acquiring body caused its appearance. The First Appeal came to be admitted by this Court.

6. Today when the matter is taken up for hearing, Mr. V. H. Solanke, learned Advocate for the appellants has placed on record a copy of the judgment and award delivered by the learned District Judge-II, Ambajogai in Land Acquisition Reference No.61 of 2005. Inviting my attention to the judgment and award cited supra, Mr. Solanke submits that the cited Land Acquisition Reference arises out of the same land acquisition proceedings which are the subject matter of

the present appeal. He submits that in respect of other lands situated in the same village and having jirayat quality, the Reference Court has granted compensation at the rate of Rs.3,000/- per R. Mr. Solanke submits that in view of the said judgment and award, the appellants are entitled to enhancement in the compensation at the rate of Rs.3,000/- per R.

7. A copy of the judgment and award cited by the learned Advocate for the appellants was offered to Mr. B. R. Survase, learned Advocate for the acquiring body. After going through the judgment and award, Mr. Survase fairly submits that the cited case is identical to the present appeal. He submits that in respect of the lands acquired under the same land acquisition proceedings and situated in the same village, the Reference Court has granted compensation at the rate of Rs.3,000/- per R. He further submits that the said award has been satisfied by the acquiring body.

8. In view of the above, I find no hesitation in allowing the present appeal partly. Hence, I pass the following order :

ORDER

I. First Appeal stands partly allowed.

II. The judgment and award dated 28.06.2013 passed by the learned District Judge-II, Ambajogai in Land Acquisition Reference No.122 of 2004 is modified to the extent that the appellants are held entitled to compensation at the rate of Rs.3,000/- per R.

III. The acquiring body shall deposit the enhanced compensation before this Court within a period of six months from today, together with accrued interest thereon.

IV. The interest part shall be governed by the law laid down by the Full Bench judgment in the case of ***State of Maharashtra v. Kailash Shiva Rangari,*** reported in ***2016 (4) ALL MR 513***.

V. The appellants shall not be entitled to interest and statutory benefits for the delayed period.

VI. Save and except above, impugned Judgment and Award passed by Reference Court shall stand unaltered.

VII. The appellants shall be entitled to withdraw the amount deposited with interest, without making any separate application for withdrawal.

VIII. While depositing the enhanced compensation, any amount already deposited

shall be adjusted.

IX. The appellants shall pay the requisite additional court fees on the enhanced compensation, if applicable.

X. Pending Civil Applications, if any, stand disposed of.

(AJIT B. KADETHANKAR, J.)

PRW