IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
902 CIVIL APPLICATION NO. 12820 OF 2026
IN FA/1401/2012

Chandrakant Angad Gunale.
VERSUS
The State Of Maharashtra, Through Collector, Latur And Ors.

WITH
FIRST APPEAL NO. 1401 OF 2012

Chandrakant Angad Gunale.
VERSUS
The State Of Maharashtra, Through Collector, Latur And Ors.

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Mr. Sachin S. Panale for the Applicant.
Mr. S. S. Dande, AGP for State.

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

P. C.:

Order in Civil Application for condonation of delay:-

1. The present Civil Application is filed for condonation of delay of 4977 days in filing the captioned First Appeal.

2. Considering the averments made in the Application, the same is allowed and the delay in filing the captioned First Appeal is condoned subject to condition that the claimant shall not be entitled to claim interest for the delayed period.

Order in First Appeal:-

3. Non on board. Taken on board.

4. As the acquisition proceeding is of the year 2005, the Appeal is being

heard finally with the consent of learned counsel for the respective parties.

5. By this Appeal, the claimant is assailing the judgment and award dated 2nd January 2012, passed by CJSD, Nilanga in LAR No.39/2009 whereby, compensation came to be enhanced but not to the extent claimed by the claimant.

6. The land of the claimant from village Talegaon (Bori), Tq. Shirur Anantpal, Dist. Latur was acquired for the purpose of construction of percolation tank at Kambalga. The notification under Section 4 of the Land Acquisition Act, 1894 (for short "the Act") was published on 17th March 2005 and award under Section 11 was passed on 6th December 2006.

7. Learned counsel submit that the present First Appeal can be disposed of in view of order passed by this Court in First Appeal No.1399/2012 with connected matters on 7th October 2026 arising out of same acquisition proceeding and same project.

8. As this Court has already decided the Appeal arising out of same acquisition proceeding and same project, I am inclined to adopt the same view. The present Appeal is disposed of in view of the order passed in First Appeal No.1399/2012 with connected matters on 7th October 2026 whereby the claimants were awarded enhancement to the tune of Rs.4,100/- per R for their irrigated land. In the present matter also, the land of the claimant is irrigated land. Thus, the claimant is entitled to compensation at the same rate. Hence, I pass the following order:-

O R D E R

i. The First Appeal is partly allowed.

ii. The claimant is entitled to compensation @ Rs.4100/- per R for their acquired irrigated land and to that extent impugned judgment and award stands modified.

iii. The claimant is entitled to all statutory benefits including interest from the date of award as per the law laid down by Full Bench of this Court in ***State of Maharashtra v. Kailash Shiva Rangari***, 2016 (3) Mh.L.J. 457 from the date of award and to that extent the impugned judgment and award stand modified.

iv. Rest of the impugned award stands confirmed.

v. Modified award be drawn accordingly.

vi. Deficit Court fee be paid.

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

[SIDDHESHWAR S. THOMBRE, J.]