IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

45 CIVIL APPLICATION NO. 5618 OF 2021
IN
CROSS OBJECTION (ST) NO.33363 OF 2017

Chandbi Ahmadsha Fakir (died) Thr Lrs Javed Ahmadsha Fakir
VERSUS
The State Of Maharashtra And Anr
...
Advocate for Applicant : Mr. Pawar B. K.
AGP for Respondent-State: Mr. D. R. Korde
...

WITH
FIRST APPEAL NO. 1167 OF 2012
WITH
CIVIL APPLICATION NO. 9516 OF 2011

The State Of Maharashtra And Anr
VERSUS
Chandbi Ahmadsha Fakir

...
AGP for Applicants/State : Mr. D. R. Korde
Advocate for the Respondent: Mr. Pawar B. K.
...
WITH

CIVIL APPLICATION NO. 12593 OF 2026
WITH
CROSS OBJECTION (ST) NO.33363 OF 2017
(Not on board. Taken on Board)

Chandbi Ahmadsha Fakir (died) Thr Lrs Javed Ahmed Makandar.
VERSUS
The State Of Maharashtra, Through The Collector, Osmanabad And Anr.

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 26.10.2026

PER COURT :

ORDER IN CIVIL APPLICATION NO.5618/2021:

1. The present Civil Application is filed for condonation of delay of 1876 days in filing Cross Objection.

2. Considering the averments made therein, the delay is condoned and Civil Application is allowed subject to condition that the claimants shall not be entitled to claim statutory benefits and interest for the delayed period.

ORDER IN CIVIL APPLICATION NO.12593/2026:

3. The present Civil Application is filed for bring legal heirs of deceased claimant-Chandbi on record by condoning delay.

4. Considering the averments made therein, the Civil Application is allowed and delay is condoned.

5. Amendment be carried out forthwith.

ORDER IN FIRST APPEAL AND CROSS OBJECTION:

6. As the acquisition proceeding is of the year 1997, the appeal and cross objection are being heard finally with the consent of learned counsel for the respective parties.

7. By this appeal, the appellant/State is aggrieved by the judgment and award dated 29.04.2010 passed by the Joint Civil Judge, Senior Division, Omerga in LAR No.240/2008, whereby compensation came to be enhanced. The claimants have filed cross objection seeking higher compensation.

8. The land of the claimants from village Narangwadi Tal. Omerga

Dist. Osmanabad was acquired for the purpose of rehabilitation of earthquake affected persons. The notification under Section 4 of the Land Acquisition Act, 1894 (for short, "the Act") was published and afterwards award under Section 11 of the Act was passed. The possession of the land was taken on 29.05.1997.

9. Both the learned counsel submit that present appeal can be disposed of in view of order passed by this Court in First Appeal No.1300/2012 with connected matters decided on 09.10.2026 arising out of same project i.e. rehabilitation of earthquake affected persons from village Narangwadi, Pethsangvi and Holi.

10. As this Court has already decided the appeal arising out of same project, I am inclined to adopt the same view. The present appeal and cross objection are disposed of in view of order passed in First Appeal No.1300/2012 with connected matters decided on 09.10.2026. Hence, I pass following order:-

ORDER

(i) The First Appeal filed by the State as well as cross objection filed by the Claimants are partly allowed.

(ii) The judgment and award dated 29.04.2010 passed by the Joint Civil Judge, Senior Division, Omerga in LAR No.240/2008 passed by the learned Reference Court is modified to the extent that the Claimants are entitled to compensation at the rate of Rs.250/- per sq. mtr. in respect of the acquired lands, after giving effect to a

deduction of 32% in respect of the acquired area.

(iii) The Claimants shall be entitled to all consequential statutory benefits on the enhanced compensation in accordance with the provisions of the Land Acquisition Act, 1894.

(iv) The Claimants shall be entitled to interest under Sections 28 and 34 of the Act strictly in accordance with the law laid down by the Full Bench of this Court in ***State of Maharashtra Vs. Kailash Shiva Rangari, reported in 2016(3) Mh.L.J. 457.***

(v) The amount of compensation already paid to the Claimants shall be duly adjusted.

(vi) The Claimants shall pay the deficit court fees on the enhanced compensation, if any.

(vii) The Claimants shall not be entitled to statutory benefits and interest for the period of delay, if any,

(viii) The rest of the Judgment and Award passed by the learned Reference Court in the aforesaid Land Acquisition References shall remain unaltered.

(ix) The modified award shall be drawn accordingly.

(x) Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE, J.]