IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

7 FIRST APPEAL NO. 1258 OF 2008

DASARATH DADARAO SATHE
VERSUS
THE STATE OF MAH AND ANR
...
Advocate for Appellant : Mr. Rajendrraa Deshmukkh, Sr. Adv. a/w. Vivekanand Bade i/b. Mr. V.V. Ingle and Mr. Devang Deshmukh
AGP for Respondents: Mr. S.N. Morampalle
...
WITH
CIVIL APPLICATION NO. 1635 OF 2022 IN FA/1258/2008
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : October 27, 2026

PER COURT :-

1. Heard the learned counsel for the respective parties.

2. The present appeal arises out of the Judgment and Award dated 20.12.1983 passed by the learned Jt. Civil Judge, Senior Division, Omerga, in LAR No. 12/2007 (Old No. 82/2002).

3. The lands of the claimant situated at Makani, Taluka Omerga, District Osmanabad was acquired for rehabilitation of the earthquake affected persons of village Makani by issuing notification under section 4 of the Land Acquisition Act on 29.9.1994.

4. The learned counsel for the appellant/original claimant has tendered across the Bar a copy of the judgment and order dated 3.2.2026 passed by the Coordinate Bench of this Court in First Appeal No. 2171/2009 (The State of Maharashtra and Anr. Vs. Pandurang Dadarao Sthe (Died) Thr. L.Rs.) and another connected matters. He submits that the land of the appellant was acquired from the same village, for the same public purpose, and under the very same notification as involved in the aforesaid appeal. It is, therefore,

contended that the controversy involved in the present appeal is squarely covered by the judgment and order in FA No. 2171/2009 (supra) and consequently, the present appeal deserves to be disposed of in terms thereof. The learned A.G.P. appearing for respondent/State fairly concedes the aforesaid position.

5. Having considered the submissions advanced by the learned counsel for the respective parties, and in view of the admitted position that the controversy involved in the present appeal is identical to the one decided by the Coordinate Bench in FA No. 2171/2009, I see no reason to take a different view. The present appeal, therefore, deserves to be disposed of in terms of the said judgment and order. Hence, the following order:

O R D E R

(i) Appeal is partly allowed.

(ii) The appellant-claimant shall be entitled to receive compensation @ 22 per sq. foot for his acquired land.

(iii) Needless to say that the claimant shall be entitled to receive statutory benefits from the date of award.

(iv) Save and except the above modification in the quantum of compensation, the impugned Judgment and Award shall remain unaltered.

(v) Deficit court fees, if any, be paid.

(vi) Modified award be drawn accordingly.

(vii) Appeal stands disposed of.

(viii) Pending civil applications, if any, also stand disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/