IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 FIRST APPEAL NO. 812 OF 2014

HABIB AUDUS HABIB ABDUL KADAR CHAUS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER
...
Advocate for the Petitioner : Mr. H.B. Nandgavale h/f. Mr. V.G. Sakolkar
AGP for Respondent/State : Mr. A.M. Phule
Advocate for Respondent/acquiring body : Mr. B.R. Survase
...
WITH
FIRST APPEAL NO. 813 OF 2014
WITH
FIRST APPEAL NO. 814 OF 2014
...

904 X-OBJECTION (STAMP) NO. 10095 OF 2017 IN FA/681/2017

ISMAILSAB NABISAB QURESHI
VERSUS
THE STATE OF MAHARASHTRA AND ANR
...
Advocate for the Petitioner : Mr. H.B. Nandgavale h/f. Mr. V.G. Sakolkar
AGP for Respondent/State : Mr. A.D. Wange
Advocate for Respondent/acquiring body : Mr. B.R. Survase and Mr. Ruturaj Patil in respective matters
...
WITH
FIRST APPEAL NO. 681 OF 2017
WITH
FIRST APPEAL NO. 685 OF 2017
WITH
FIRST APPEAL NO. 1429 OF 2026
WITH
FIRST APPEAL NO. 1430 OF 2026
WITH
CIVIL APPLICATION NO. 1836 OF 2012 IN FA/685/2017
WITH
X-OBJECTION (STAMP) NO. 10094 OF 2017 IN FA/685/2017
WITH
CIVIL APPLICATION NO. 4650 OF 2011 IN FA/685/2017
...

905 X-OBJECTION NO. 527 OF 2026 IN FA/686/2017
WITH
FIRST APPEAL NO. 686 OF 2017

ISMAILSAB NABISAB QURESHI

VERSUS
THE STATE OF MAHRASHTRA AND ANR
...
Advocate for the Petitioner : Mr. H.B. Nandgavale h/f. Mr. V.G. Sakolkar
AGP for Respondent/State : Mr. B.A. Shinde
Advocate for Respondent/acquiring body : Mr. B.R. Survase
...

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

PER COURT :-

1. First Appeal Nos. 681/2017 and 686/2017 are already dismissed due to non compliance of the order dated 13.3.2020 passed by this court. However, considering that cross objections are filed in the above appeals by the original claimants, the order dated 13.3.2020 is recalled. Above first appeals are restored. Paper book is dispensed with.

2. Heard the learned counsel for the respective parties.

3. The present appeals as well as cross objections arise out of the Judgment and Award dated 3.10.2013, 7.3.2008 passed by the learned Jt. Civil Judge, Senior Division, Ahmadpur, in Land Acquisition Reference Nos.6/2008, 412/2008, 9/2008, 500/2006, 510/2006, 509/2006, 505/2006 and 507/2006.

4. The lands of the claimants situated at Ahmedpur, Taluka Latur were acquired for construction of storage tank at Ahmedpur, Tq. Ahmedpur, Dist. Latur by issuing notification under section 4 of the Land Acquisition Act on 4.11.2004.

5. The learned counsel for the original claimants has tendered across the Bar a copy of the judgment and order dated 3.9.2026 passed by this Court in FA No. 1744/2015 (The State of Maharashtra Vs. Sayed Mir Sayed Rahim) and other connected matters. He submits that the lands of the

claimants were acquired from the same village, for the same public purpose i.e. for construction of storage tank at Ahmedpur, Tq. Ahmedpur, Dist. Latur as involved in the aforesaid appeals. It is, therefore, contended that the controversy involved in the present appeal is squarely covered by the judgment and order in FA No. 1744/2015 (supra) and consequently, the present appeals as well as cross objections deserve to be disposed of in terms thereof. The learned A.G.P. appearing for the State and the learned counsel appearing for acquiring body fairly concede the aforesaid position.

6. 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 appeals is identical to the one decided by this Court in FA No. 1744/2015 (supra), I see no reason to take a different view. The present appeals and cross objections, therefore, deserve to be disposed of in terms of the said judgment and order. Hence, the following order:

O R D E R

i. The First Appeals filed by the State and acquiring body are partly allowed.

ii. The Cross-Objections filed by claimants are partly allowed.

iii. The claimants in respective Cross-Objections are entitled to receive compensation @ Rs.50/- per sq. ft. for their acquired lands and to that extent impugned awards stand modified.

iv. The claimants are also entitled to all statutory benefits along with interest under Sections 28 and 34 from the date of award as per the law laid down by the Full Bench of this Court in **State of Maharashtra Vs. Kailash Shiva Rangari (2016(3) Mh.L.J. 457).**

v. Rest of the impugned awards stand confirmed.

vi. Modified awards be drawn up accordingly.

vii. Deficit Court fee be paid.

viii. The claimants in the respective Cross-Objections shall not be entitled to claim compensation for the delayed period, if any.

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

(SIDDHESHWAR S. THOMBRE, J.)

ssc/