IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12999 OF 2026
IN X-OBJST/36013/2026

Vithal Babarao Patil Died Through Lrs Gopal And Ors.
VERSUS
The Special Land Acquisition Officer And Additional Collector Osmanabad.
...
Mr. N. S. Birajdar, Advocate for Applicants
Mr. B. V. Virdhe, AGP for Respondent-State
Mr. S. N. Patil, Advocate for cross objectioners/claimants

AND

FIRST APPEAL NO. 2980 OF 2018

The State Of Maharashtra
VERSUS
Vitthal Babarao Patil

AND

FIRST APPEAL NO. 2982 OF 2018

The State Of Maharashtra
VERSUS
Shahaji Vithal Chavan

WITH

X-OBJECTION NO. 350 OF 2026
IN FA/2982/2018

Shahaji Vithal Chavan.
VERSUS
The Special Land Acquisition Officer And Additional Collector (earthquake), Osmanabad.

WITH

CIVIL APPLICATION NO. 13000 OF 2026
IN X-OBJST/36013/2026

AND

FIRST APPEAL NO. 2981 OF 2018

The State Of Maharashtra
VERSUS
Suresh Sopan Chavan
WITH
X-OBJECTION NO. 571 OF 2026
IN FA/2981/2018

Suresh Sopan Chavan.
VERSUS
The Special Land Acquisition Officer And Additional Collector (earthquake), Osmanabad.

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CORAM : AJIT B. KADETHANKAR, J.

DATED : 31ST OCTOBER, 2026

P.C. :-

CIVIL APPLICATION NO. 12999 OF 2026

. Leave to correct the prayer clause by filling up blank places of the days of delay. amendment be carried out forthwith.

2. Present application is filed seeking condonation of delay caused in filing Cross Objection. Feeling aggrieved by the judgment and award dated 16.08.2013 passed by Civil Judge Senior Division, Omerga in Land Acquisition Reference No.22 of 2005, (old L.A.R. No.319 of 1996), the Acquiring Body has filed First Appeal in this Court for enhancement. The Cross Objection is filed by the claimants. There is delay of 86 days caused in filing the Cross Objection.

3. The reasons explaining delay are descriptively stated in paragraph nos.2 to 4. For the reasons stated in the application and to protect the right of the claimants to seek enhancement as a statutory right, I deem it appropriate to allow the application. Hence following order:

ORDER

a. Civil application stands allowed.

b. Delay of 86 days caused in filing the Cross Objection is hereby condoned.

c. Cross Objection be registered

CROSS OBJECTION ST. NO.36013 OF 2026

. Issue notice to the respondents. Learned AGP waives service of notice for respondent-State

CIVIL APPLICATION NO. 13000 OF 2026

. This Civil Application is filed for directions to the appellant to amend the title clause of the First Appeal and applications therein. It is submitted that during pendency of the First Appeal, applicant/claimant Vithal Patil is died and the present applicants are his legal representatives.

2. For the reasons recorded in the application, same stands allowed. Delay if any, stands condoned. Abatement if any, stands quashed and set aside. Amendment be carried out within a period of two weeks from today. Civil application stands disposed of.

FIRST APPEAL NO. 2981 OF 2018 WITH
X-OBJECTION NO. 571 OF 2026
AND
FIRST APPEAL NO. 2982 OF 2018 WITH
X-OBJECTION NO. 350 OF 2026

. The subject matter lands in the First Appeals and the Cross Objections were acquired for the purpose of rehabilitation of the earthquake affected people, village Toramba, Taluka Lohara, District Osmanabad. The First Appeals arise out of a common judgment and award passed by learned Joint Civil Judge Senior Division, Osmanabad on 16.08.2013. The Acquiring Body has challenged the quantum of compensation granted by the Reference Court, while the claimants have sought enhancement by filing the Cross Objections.

2. At this juncture learned Advocates for both the sides cites an order dated 22.10.2026 passed by this Court in the group of First Appeals led by First Appeal No.2976 of 2018. It is candidly submitted that after hearing both the parties, this Court by reasoned order partly allowed the First Appeals to the extent of interest and holding the claimants entitled for compensation at Rs.22/- per sq.ft. Suffice to note the claimants also rely on an order dated 29.06.2026 passed by this court in Cross Objection No.4047 of 2011. The judgment and order dated 21.04.2026 passed by this Court in First Appeal No.2100 of 2020 is the base for the cited orders. It is submitted that the First Appeals and the Cross Objections be disposed of on the same line of the cited order dated 22.10.2026 (supra).

3. Undisputed fact of the cases is that the lands in the Land Acquisition Reference Applications decided by the Reference Court were acquired by the Acquiring Body for the purpose of rehabilitation of earthquake affected people village Toramba. After compliance of the procedure in the Land Acquisition Act, Special Land Acquisition Officer offered compensation and published the award. Special Land

Acquisition Officer offered compensation @ Rs.19,000/- per hectare.

4. The claimants sought compensation under Section 18 of the Land Acquisition Act before the Reference Court with a request to consider the non agricultural potentiality of the lands. After assessing the evidence on record and rendering findings in favour of the claimants, the Reference Court partly allowed the references and granted compensation @ Rs.11,000/- per R to each of the claimant. Suffice to note, the evidence in all the matters was common.

5. While allowing the Land Acquisition References in cited appeals partly, the Reference Court relied upon its earlier judgment and award in the case of ***Dhanraj Babarao Patil Vs. The State of Maharashtra (L.A.R. No.496 of 2004, decided on 07.03.2013)***. Needless to mention, in Dhanraj Case (supra), the Reference Court granted compensation @ Rs.11,000/- per R. Subsequently, the claimant i.e. Dhanraj Patil filed an appeal in this Court wherein this Court by relying on various judgments and particularly in the light of the judgment and order dated 21.04.2026 passed in First Appeal No.2100 of

2020 held the claimant (Dhanraj) entitled to compensation @ Rs.22/- per Sq. ft.

6. The claimants in other Land Acquisition References similarly situated like present cross objectioners filed corresponding Cross Objections. This Court in Cross Objection No.4047 of 2011 vide order dated 29.06.2026 observing the rate granted by this Court in the case of ***Dhanraj***, partly allowed the Cross Objection, dismissed the First Appeal filed by the Acquiring Body and held the claimant entitled for compensation @ Rs.22/- per sq.ft. Placing reliance on these orders, Mr. Patil, learned Advocate for the cross objectioners submits that the First Appeals filed by the Acquiring Body be dismissed and the Cross Objections be partly allowed in terms of the referred orders.

7. Mr. B. V. Virdhe, learned AGP after going through the order cited by Mr. Patil fairly agrees that the First Appeals and the Cross Objections are squarely covered by the orders passed by this Court.

8. With the able assistance of the learned Advocates for both the sides, I have gone through the text of the judgments and awards passed by the Reference Court in the present cases

as also in the case of *Dhanraj*. I have also gone through the orders passed by this Court in the cited matters. Undoubtedly the lands were acquired for the same project i.e. Rehabilitation of Earthquake Affected Persons. Section 4 notification in both the matters is also one and the same. There is no reason for me to disagree with the view taken by this Court in the cited orders. In view of this, I find that the proceedings could be disposed. Hence, I pass following order:

ORDER

a. First Appeals are partly allowed to the extent of interest.

b. Cross Objections are partly allowed.

c. Cross objectioners/claimants are held entitled for compensation @ Rs.22/- per sq.ft.

d. The interest part shall be governed by the full bench judgment of this Court in the case of ***State of Maharashtra Vs. Kailash Shiva Rangari, 2016(3) Mh.L.J. 457.*** The awards be modified.

e. The Acquiring Body/respondent in the Cross Objections shall deposit the compensation in this Court within a period of six months from today together with accrued interest.

f. After such deposit, the claimants/cross obectioners shall be at liberty to withdraw the same with accrued interest.

g. While disbursing the amount, the Registry shall ensure compliance to the law laid down in ***Kailash Shiva Rangari*** (supra) case.

h. Any security, if offered by the claimants in First Appeals while withdrawing any amount stands discharged.

i. Civil Application if any, stands disposed of.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026