



(This judgment is corrected as per the speaking to the minutes order dated 07.05.2026)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**FIRST APPEAL NO. 1098 of 2018**

1. Nagorao S/o Digambarrao Kandharkar,  
Age 57 Yrs. Occu : Agriculture
2. Radhesham S/o Digambarrao Kandharkar,  
Age 47 Yrs. Occu : Agriculture
3. Pravin S/o Digambarrao Kandharkar,  
Age 34 Yrs. Occu : Agriculture
4. Indubai w/o Digambarrao Kandharkar,  
Age 91 Yrs. Occu : Agriculture
5. Shobhabai W/o Nagorao Kandharkar,  
Age 52 Yrs. Occu : Agriculture

R/o : Ahmedpur, Taluka : Ahmedpur,  
District : Latur

**... APPELLANTS**

**VERSUS**

1. The State of Maharashtra,  
Through- The Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation, Latur.

**... RESPONDENTS**

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Mr. A.V. Sakolkar h/f Mr. V.G. Sakolkar, Advocate for appellants  
Mr. A.B. Girase, GP for respondent/State.  
Mr. Ram Deshpande, Advocate for respondent no.2.

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**WITH**  
**FIRST APPEAL 802 OF 2014**

1. The State of Maharashtra,  
Through- The Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation, Latur.

**... APPELLANTS**

**VERSUS**

1. Nagorao s/o. Digambar Kandharkar,  
Age- 51 years, Occu. Agril.,
2. Radheshyam s/o. Digambar Kandharkar,  
Age- 41 years, Occu. Agril.,
3. Pravin s/o. Nagorao Kandharkar,  
Age – 25 years, Occu. Agril.,
4. Indubai w/o. Digambar Kandharkar,  
Age- 85 years, Occu. Agril.,
5. Shobhabai w/o. Nagorao Kandharkar,  
Age- 45 years, Occu. Agril.,

All R/o. Ahmedpur, Tq. Ahmedpur, Dist. Latur

**... RESPONDENTS**

**WITH**  
**FIRST APPEAL NO. 803 OF 2014**

1. The State of Maharashtra,  
Through- The Collector, Latur.

2. The Executive Engineer,  
Latur Minor Irrigation, Latur.

... APPELLANTS

**VERSUS**

Bhojaram s/o. Devichand Bhagat,  
Age: Major years, Occu. Agril.,  
R/o. Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

... RESPONDENT

**WITH**

**FIRST APPEAL NO. 804 OF 2014**

1. The State of Maharashtra,  
Through- The Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation, Latur.

... APPELLANTS

**VERSUS**

Harishchandra s/o. Chagan Bhagat,  
Age: Major years, Occu. Agril.,  
R/o. Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

... RESPONDENT

**WITH**

**FIRST APPEAL NO. 805 OF 2014**

1. The State of Maharashtra,  
Through- The Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation, Latur.

... APPELLANTS

**VERSUS**

1. Zulfikar s/o. Salauddin Kazi,  
Age- Major years, Occu. Agril.,
2. Jamiroddin s/o. Mainoddin Kazi,  
Age- Major years, Occu. Agril.,

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 806 OF 2014**

1. The State of Maharashtra,  
Through- The Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation, Latur.

**... APPELLANTS**

**VERSUS**

1. Sumanbai w/o. Waman Kandarkar,  
Age- 50 years, Occu. Agril.,
2. Ravikant s/o. Waman Kandarkar,  
Age- 30 years, Occu. Agril.,
3. Ratnakar s/o. Waman Kandarkar,  
Age- 28 years, Occu. Agril.,
4. Dinkar s/o. Waman Kandarkar,  
Age- 27 years, Occu. Agril.,
5. Karan s/o. Deepak Kandharkar,  
Minor U/G. Of his mother.
6. Arjun s/o. Deepak Kandharkar,  
Minor U/G. Of his mother,  
Yogita w/o. Deepak Kandharkar,  
(Guardian for claimant Nos. 5 & 6)  
Age- 28 years, Occu. Agril.,

All R/o. Ahmedpur, Tq. Ahmedpur, Dist. Latur.

**... RESPONDENTS**

**WITH**

**FIRST APPEAL NO. 807 OF 2014**

1. The State of Maharashtra,  
Through- The Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation, Latur.

**... APPELLANTS**

**VERSUS**

Mainoddin Amiroddin Khatik  
Died through LR's.

1. Rabiya w/o Mainoddin Kureshi (Bakkar Khatik),  
Age 70 years, Occu. H.H.
2. Azim S/o Mainoddin Kureshi,  
Age 55 years, Occu. Agri and Business,
3. Naser S/o Mainoddin Kureshi,  
Age 45 years, Occu. Business,
4. Kalim S/o. Mainoddin Kureshi,  
Age 50 years, Occu. Business  
  
1 to 4 R/o Ahmedpur,  
Dist. Latur.
5. Akhtar W/o Abdul Raheman,  
Age 52 years, Occu. H.H.  
R/o Maysur Colony, Latur.
6. Latila /o Ismail Kureshi,  
Age 42 years, Occu. H.H.,  
R/o Kallamb Tq. Kallamb,  
Dist. Latur.

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 808 OF 2014**

1. The State of Maharashtra,  
Through- The Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation, Latur.

**... APPELLANTS**

**VERSUS**

Balaram s/o. Chagan Bhagat (Died)  
His LRs.

Kamalbai w/o. Balaram Bhagat,  
Age- Major years, Occu. Agril.,  
R/o. Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 809 OF 2014**

1. The State of Maharashtra,  
Through- The Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation, Latur.

**... APPELLANTS**

**VERSUS**

1. Habib s/o. Isa S/o. Habib Mohammad Chaus,  
Age- 65 years, Occu. Agril.,
2. Habib s/o. Khijar S/o. Habib Mohammad Chaus,  
Age-20 years, Occ. Agril.,

Both R/o. Ahmedpur, Tq. Ahmedpur, Dist. Latur.

**... RESPONDENTS**

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Mr. A.B. Girase, GP for appellant/State.  
Mr. S.G. Sangle, Advocate for appellant no.2.  
Mr. A.V. Sakolkar h/f Mr. V.G. Sakolkar, Advocate for respondents.

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**WITH**

**X-OBJECTION NO. 101 OF 2023  
IN FA/807/2014**

Mainoddin Amiroddin Khatik  
Died through LRs.

1. Azim S/o Mainoddin Qureshi @ Khatik  
Age Major Yrs. Occu : Agriculture
2. Kalim S/o. Mainoddin Kureshi  
Age Major Yrs. Occu. Agriculture
3. Naser S/o Mainoddin Kureshi  
Age Major Yrs. Occu. Agriculture  
All R/o Ahmedpur, Tq. Ahmedpur,  
District : Latur.

**... APPLICANTS**

**VERSUS**

1. The State of Maharashtra,  
Through- The Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation, Latur.

**... RESPONDENTS**

**WITH  
X-OBJECTION NO. 102 OF 2023  
IN FA/806/2014**

1. Sumanbai w/o. Waman Kandarkar,  
Age- 60 years, Occu. Agril.,

2. Ravikant s/o. Waman Kandarkar,  
Age- 40 years, Occu. Agril.,
3. Ratnakar s/o. Waman Kandarkar,  
Age- 38 years, Occu. Agril.,
4. Dinkar s/o. Waman Kandarkar,  
Age- 37 years, Occu. Agril.,
5. Karan s/o. Deepak Kandharkar,  
Minor U/G. Of his mother.
6. Arjun s/o. Deepak Kandharkar,  
Minor U/G. Of his mother,  
Yogita w/o. Deepak Kandharkar,  
(Guardian for claimant Nos. 5 & 6)  
Age- 28 years, Occu. Agril.,

All R/o. Ahmedpur, Tq. Ahmedpur, Dist. Latur.

**... APPLICANTS**

**VERSUS**

1. The State of Maharashtra,  
Through- The Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation, Latur.

**... RESPONDENTS**

**WITH  
X-OBJECTION NO. 103 OF 2023  
IN FA/805/2014**

1. Zulfikar S/o Salauddin Kazi,  
Age Major Yrs. Occu : Agriculture,
2. Jamiroddin S/o Mainoddin Kazi,  
Age Major Yrs. Occu : Agriculture,  
R/o Ahmedpur, Tq. Ahmedpur,  
District : Latur

**... APPLICANTS**

**VERSUS**

1. The State of Maharashtra,  
Through- The Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation, Latur.

**... RESPONDENTS**

**WITH  
X-OBJECTION NO. 104 OF 2023  
IN FA/809/2014**

1. Habib Isa S/o Habib Mohammad Chaus,  
Age Major Yrs. Occu : Agriculture
2. Habib Khijar S/o Habib Mohammad Chaus,  
Age Major Yrs. Occu : Agriculture,  
  
All R/o Ahmedpur, Tq. Ahmedpur  
District: Latur.

**... APPLICANTS**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur.
2. The Executive Engineer  
Latur Minor Irrigation, Latur.

**... RESPONDENTS**

**WITH  
X-OBJECTION NO. 105 OF 2023  
IN FA/803/2023**

1. Bhojaram S/o Devichand Bhagat,  
Age Major Yrs. Occu : Agriculture,  
R/o Ahmedpur, Tq. Ahmedpur,  
District: Latur.

**... APPLICANT**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur.
2. The Executive Engineer  
Latur Minor Irrigation, Latur.

... RESPONDENTS

**WITH  
X-OBJECTION NO. 106 2023  
IN FA/808/2014**

Balaram S/o Chagan Bhagat,  
Died through LR.

1. Kamalbai W/o Balaram Bhagat,  
Age Major Yrs. Occu : Agriculture,  
R/o Ahmedpur, Tq. Ahmedpur,  
District: Latur

... APPLICANT

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur.
2. The Executive Engineer  
Latur Minor Irrigation, Latur.

... RESPONDENTS

**WITH  
X-OBJECTION NO. 61 OF 2024  
IN FA/804/2014**

Harishchandra S/o Chagan Bhagat,  
Died through LR

1. Subhash S/o Harishchandra Bhagat  
Age 55 Yrs. Occu : Agriculture,  
R/o Ahmedpur, Tq. Ahmedpur,  
District : Latur.

... APPLICANT

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur.
2. The Executive Engineer  
Latur Minor Irrigation, Latur.

**... RESPONDENTS**

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Mr. A.V. Sakolkar h/f Mr. V.G. Sakolkar, Advocate for  
applicant/applicants  
Mr. A.B. Girase, GP for respondent/State.  
Mr. S.G. Sangle, Advocate for respondent no.2.

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**WITH  
FIRST APPEAL NO. 2266 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

**... APPELLANT**

**VERSUS**

1. Yogesh s/o Subhash Shetkar  
Age-24 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 2267 of 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

**... APPELLANT**

**VERSUS**

1. Vilas s/o Raghunath Navrange  
Age-40 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 2268 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

**... APPELLANT**

**VERSUS**

1. Babu s/o Ramling Shetkar  
Age-60 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 2269 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

**... APPELLANT**

**VERSUS**

1. Chandrashekar s/o Ramlu Ayya  
Age-45 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2270 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Suryakant s/o Ramlu Ayya  
Age-45 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2271 of 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Shrihari s/o Hanmant Navrange  
Age-54 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist Latur

2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2272 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Satyanarayan s/o Ramlu Ayya  
Age-50 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2273 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

.. APPELLANT

**VERSUS**

1. Mayur s/o Subhash Shetkar  
Age-22 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2274 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

**... APPELLANT**

**VERSUS**

1. Nagnath s/o Hanmant Navrange  
Age-60 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

**... RESPONDENTS**

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Mr. S.G. Sangle, Advocate for the appellant.  
Mr. A.B. Girase, GP for respondent/State.  
Mr. V.B. Patil & Mr. Satish S. Deshmukh, Advocates for respondent no.1.

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**WITH  
X-OBJECTION (ST.) NO. 39144 OF 2016  
IN FA/2273/2013**

Mayur s/o Subhash Shetkar  
Age 30 years, Occu: Agril.,  
R/o Ahmedpur, Tq. Ahmedpur  
Dist. Latur

**... APPLICANT**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

**... RESPONDENTS**

**WITH  
X-OBJECTION (ST.) NO. 41987 OF 2017  
IN FA/2269/2013**

Chandrashekar s/o Ramlu Ayya  
Age; Majors, Occu: Agril.,  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

... APPLICANT

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

... RESPONDENTS

**WITH  
X-OBJECTION (ST.) NO. 42048 OF 2017  
IN FA/2270/2013**

Suryakant s/o Ramlu Ayya,  
Age; Majors, Occu: Agril.,  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

... APPLICANT

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

... RESPONDENTS

**WITH  
X-OBJECTION (ST.) NO. 18614 OF 2020  
IN FA/2274/2013**

Nagnath s/o Hanmant Navrange  
Age 67 years, Occu: Agril.,  
R/o Ahmedpur, Dist. Latur.

... APPLICANT

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

... RESPONDENTS

**WITH  
X-OBJECTION NO. 51 OF 2022  
IN FA/2272/2013**

Satyanarayan s/o Ramlu Ayya  
Age; Majors, Occu: Agril  
R/o Ahmadpur, Tq. Ahmadpur,  
Dist Latur.

... APPLICANT

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

... RESPONDENTS

**WITH  
X-OBJECTION NO. 168 OF 2024  
IN FA/2266/2013**

Yogesh s/o Subhash Shetkar  
Age 32 years, Occu: Agril  
R/o Ahmadpur, Tq. Ahmadpur,  
Dist Latur.

... APPLICANT

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

... RESPONDENTS

**WITH  
X-OBJECTION NO. 210 OF 2025  
IN FA/2267/2013**

Vilas S/o Raghunath Navrange  
Age-53 yrs, Occu- Agril  
R/o Ahmadpur, Dist Latur

**... APPLICANT**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

**... RESPONDENTS**

**WITH  
X-OBJECTION NO. 211 OF 2025  
IN FA/2268/2013**

Babu s/o Ramling Shetkar (Deceased)  
Through its LRs.

1. Kaushlyabai W/o. Baburao Shetkar  
Age: 71 Years, Occu: Household
2. Madhav S/o Baburao Shetkar  
Age: 41 Years, Occu: Agriculturist
3. Ganesh S/o Baburao Shetkar  
Age: 33 Years, Occu: Agriculturist

All R/o. Bhoi Galli, Ahmedpur,  
Tq. Ahmedpur, Dist. Latur

**... APPLICANTS**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur

2. The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... RESPONDENTS

**WITH  
X-OBJECTION NO. 212 OF 2025  
IN FA/2271/2013**

Shrihari s/o Hanmant Navrange  
Age-66 yrs, Occu- Agril  
R/o Ahmadpur, Dist Latur

... APPLICANT

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... RESPONDENTS

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Mr. Satish S. Deshmukh, Advocate for the applicant  
Mr. A.B. Girase, GP for respondent/State.  
Mr. S.G. Sangle, Advocates for respondent no.2.

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**WITH  
FIRST APPEAL NO. 603 OF 2011**

1. Habib Isa s/o Habib Mohd. Chaus,  
Age: 73 years, Occu: Agril.,  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur
2. Hasina Begum w/o Habib Isa Chaus,  
Age: 53 years, Occu: Agril.,  
R/o as above.

3. Habib Azhar s/o Habib Isa Chaus,  
Age: 30 years, Occu: Agril.,  
R/o as above.

... APPELLANTS

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation,  
Latur.

... RESPONDENTS

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Mr. A.V. Sakolkar h/f Mr.V.G. Sakolkar, Advocate for the appellants  
Mr. A.B. Girase, GP for respondent/State.  
Mr. S.G. Sangle, Advocates for respondent no.2.

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**WITH  
FIRST APPEAL NO. 1304 OF 2019**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Sujatabai w/o Sheshrao Bansode  
Age-55 yrs, Occu. Agri & H.H.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 1305 OF 2019**

The Executive Engineer,  
Minor Irrigation Division, Latur

(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

**... APPELLANT**

**VERSUS**

1. Mehaboob Ahmed s/o Ajimoddin Kazi  
Age-60 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur
2. Mujiboddin s/o Mehaboob Ahmed Kazi  
Age 27 yrs. Occu. Agri  
r/o as above
3. The State of Maharashtra  
Through Collector, Latur

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 1306 OF 2019**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

**... APPELLANT**

**VERSUS**

1. Balaji s/o Narayan Desai (Died)  
Through LRs.
- 1(1) Smt. Vimalbai w/o Balaji Desai  
Age. 55 years Occu. Agril.
- 1(2) Pranali D/o Balaji Desai  
Age. 29 years Occu. Agril.
- 1(3) Prasanna s/o Balaji Desai  
Age. 35 years Occu. Agril.
- 1(4) Sainath s/o Balaji Desai  
Age. 32 years Occu. Agril.  
R/o. Nanded Taluka and District Nanded

2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 1307 OF 2019**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Hafizoddin s/o Variroddin Kazi  
Age-60 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 1308 OF 2019**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Basavraj s/o Shivraj Irphale  
Age-33 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.
2. Ravishankar s/o Shivraj Irphale  
Age 28 yrs. Occu. Agri  
r/o as above

3. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 1309 OF 2019**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Kashinath s/o Santram Kambale (Died)  
Through Legal Representatives.
- 1(1) Smt. Harubai w/o Kashinath Kamble  
Age. 67 years Occu. Agril.
- 1(2) Manoj s/o Kashinath Kamble  
Age. 27 years Occu. Agril.
- 1(3) Santram s/o Kashinath Kamble  
Age. 46 years Occu. Agril.
- 1(4) Umabai w/o Anil Gaikwad  
Age. 40 years Occu. Agril.
- 1(5) Sohambai w/o Dhanaji Suryawanshi  
Age. 38 years Occu. Agril.
- 1(6) Ramabai w/o Gautam Sonkamble  
Age. 36 years Occu. Agril.
- 1(7) Nitabai w/o Raju Kamble  
Age. 34 years Occu. Agril.
- 1(8) Mangalbai w/o Madhav Kamble  
Age. 32 years Occu. Agril.

R/o. Ahemadpur Taluka Ahemadpur  
District Latur

2. Vishwanath s/o Santram Kambale  
Age 66 yrs. Occu. Agri  
R/o as above

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 1310 OF 2019**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Latifoddin s/o Ajimoddin Kazi (Died)  
Through Legal Representatives.
- 1(1) Bilkis Begum w/o Latifoddin Kazi  
Age. 80 years Occu. Agril.
- 1(2) Ajimoddin s/o Latifoddin Kazi  
Age. 53 years Occu. Agril.
- 1(3) Habiboddin s/o Latifoddin Kazi  
Age. 44 years Occu. Agril.
- 1(4) Khaja s/o Latifoddin Kazi  
Age. 39 years Occu. Agril.
- 1(5) Durdana Begum w/o Mazhar Sayyad  
Age. 48 years Occu. Agril.
- 1(6) Farzanabegum D/o Latifoddin Kazi  
Age. 56 years Occu. Agril.
- 1(7) Sultanabegum w/o Yunus Sayyad  
Age. 54 years Occu. Agril.
- 1(8) Sameena w/o Laiq Farooqi  
Age. 40 years Occu. Agril.

- 1(9) Rijvanbe D/o Latifoddin Kazi  
Age. 38 years Occu. Agril.  
  
R/o. Ahemadpur Taluka Ahemadpur  
District Latur
2. Ajamoddin s/o Latifoddin Kazi  
Age- 37 yrs. Occu. Agri
3. Habiboddin s/o Latifoddin Kazi (Died)  
Through LRs.

1/3-A.Taheniyat w/o Habiboddin Kazi  
Age. 43 years. Occu. Agril.

2/3-B.Rimsha D/o Habiboddin Kazi  
Age. 17 years. Occu. Education.

3/3-C.Muhammad Riyan s/o Habiboddin Kazi  
Age. 15 years. Occu. Education.

4/3-D.Mohammad s/o Habiboddin Kazi  
Age. 13 years. Occu. Education.

The applicants No 1/3-C and 1/3-D are  
The Minor under Guardian of Natural Mother  
i.e. Applicant No 1/3-A.

All R/o Ahemadpur Tq. Ahemadpur  
Dist. Latur

4. Khwaja s/o Latifoddin Kazi  
Age-37 yrs, Occu. Agri
5. Sayyad Durdana Began w/o Mazhar  
Age- 37 yrs, Occu. Agri

All R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur

6. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 1311 OF 2019**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

**... APPELLANT**

**VERSUS**

1. Machindra s/o Nagorao Gaikwad  
Age-60 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur
2. Shripal s/o Machindra Gaikwad  
Age Major, Occu. Agri  
r/o as above
3. Archana d/o Machindra Gaikwad  
Age Major, Occu. Agri  
r/o as above
4. Mangesh s/o Machindra Gaikwad  
Age Major, Occu. Agri  
r/o as above
5. Sushila w/o Machindra Gaikwad  
Age Major, Occu. Agri  
r/o as above
6. Pratibha d/o Machindra Gaikwad  
Age Major, Occu. Agri  
r/o as above
7. Nagesh s/o Machindra Gaikwad  
Age Major, Occu. Agri
8. The State of Maharashtra  
Through Collector, Latur

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 1340 OF 2019**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

**... APPELLANT**

**VERSUS**

1. Shrihari s/o Hanmant Navrange  
Age-52 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur
2. Narhari s/o Hanmant Navrange (Died)  
Through LRs.
- 2(1) Smt. Pushpabai w/o Narhari Navrange  
Age. 67 years Occu. Agril.
- 2(2) Kiran s/o Narhari Navrange  
Age. 47 years Occu. Agril.
- 2(3) Jayant s/o Narhari Navrange  
Age. 44 years Occu. Agril.
- 2(4) Rahul s/o Narhari Navrange  
Age. 37 years Occu. Agril.
- 2(5) Jyoti w/o Narayan Kamble  
Age. 50 years Occu. Agril.
- 2(6) Anjali w/o Ramesh Waghmare  
Age. 42 years Occu. Agril.
- 2(7) Megha w/o Siddharth Shelke  
Age. 40 years Occu. Agril.  
R/o. N 2 Cidco Aurangabad  
Taluka and District Aurangabad.

3. The State of Maharashtra  
Through Collector, Latur

4. Executive Engineer,  
Local Division, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 1341 OF 2019**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Habib Isa s/o Habib Mohamad Chous  
Age-69 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur

2. Hasina Begam w/o Habib Isa Chous  
Age 50 yrs, Occ. Agri  
r/o as above

3. Habib Azhar s/o Habib Isa Chous  
Age 27 yrs, Occu. Agri  
r/o as above

4. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 1342 OF 2019**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

Rafiyoddin s/o Vaziroddin Kazi (Died)  
Through LRs.

- 1/A Anjumbegum w/o Rafiyoddin Kazi  
Age 72 years. Occu. Agril.
- 1/B Mukhtar s/o Rafiyoddin Kazi  
Age 55 years. Occu. Agril.
- 1/C Sabir s/o Rafiyoddin Kazi  
Age 42 years. Occu. Agril.
- 1/D Faiyaz s/o Rafiyoddin Kzi  
Age 40 years. Occu. Agril.
- 1/E Tambubee w/o Shiddik Pathan  
Age 52 years. Occu. Agril.
- 1/F Kausarbee w/o Anwar Sayyad  
Age 51 years. Occu. Agril.
- 1/G Taslim w/o Sajid Pathan  
Age 48 years. Occu. Service
- 1/H Latifa w/o Jabbar Sayyad  
Age 46 years. Occu. Agril.

All R/o Kalegaon Taluka Ahemadpur  
Dist. Latur.

- 2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

WITH  
FIRST APPEAL NO. 1343 OF 2019

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

VERSUS

1. Sardaroddin s/o Ajamoddin Kazi  
Age-60 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

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Mr. S.G. Sangle, Advocate for appellant.  
Mr. A.B. Girase, GP for respondent/State.  
Mr. G.K. Sontakke and Mr.A.V. Sakolkar h/f Mr.V.G. Sakolkar, Advocates  
for the respondent no.1

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**WITH  
X-OBJECTION (ST.) NO. 10772 OF 2019  
IN FA/1343/2019**

Sardaroddin s/o Ajamoddin Kazi  
Age-69 yrs, Occu. Agri  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur

... APPLICANT

**VERSUS**

1. The State of Maharashtra  
Through,  
The Dist. Collector Latur
2. The Godavari Marathwada Irrigation  
Development Corporation through,  
The Executive Engineer, Latur  
Minor Irrigation Division, At. Latur.
3. The Spl. Land Acquisition Officer,  
[Purna Project] Latur

... RESPONDENTS

**WITH  
X-OBJECTION NO. 91 OF 2022  
IN FA/1310/2019**

1. Latifoddin s/o Ajimoddin Kazi (Died)  
Through Legal Representatives.
- 1/1 Bilkis Begum w/o Latifoddin Kazi  
Age. 78 years Occu. Agril.
- 1/2 Ajimoddin s/o Latifoddin Kazi  
Age. 51 years Occu. Agril.
- 1/3 Habiboddin s/o Latifoddin Kazi (Died)  
Through LR's.
- 1/3-A. Taheniyat w/o Habiboddin Kazi  
Age. 43 years. Occu. Agril.
- 2/3-B. Rimsha D/o Habiboddin Kazi  
Age. 17 years. Occu. Education.
- 3/3-C. Muhammad Riyan s/o Habiboddin Kazi  
Age. 15 years. Occu. Education.
- 4/3-D. Mohammad s/o Habiboddin Kazi  
Age. 13 years. Occu. Education.

The applicants No 1/3-C and 1/3-D are  
The Minor under Guardian of Natural Mother  
i.e. Applicant No 1/3-A.

All R/o Ahemadpur Tq. Ahemadpur  
Dist. Latur

- 1/4 Khaja s/o Latifoddin Kazi  
Age. 37 years Occu. Agril.
- 1/5 Durdana Begum w/o Mazhar Sayyad  
Age. 46 years Occu. Agril.
- 1/6 Farzanabegum D/o Latifoddin Kazi  
Age. 54 years Occu. Agril.

1/7 Sultanabegum w/o Yunus Sayyad  
Age. 52 years Occu. Agril.

1/8 Sameena w/o Laiq Farooqi  
Age. 38 years Occu. Agril.

1/9 Rijvanbe D/o Latifoddin Kazi  
Age. 36 years Occu. Agril.

All R/o. Ahemadpur Taluka Ahemadpur  
District Latur

2. Ajmoddin s/o Latifoddin Kazi  
Age. Major.years. Occ. Agril.

3. Habiboddin s/o Latifoddin Kazi (Died)  
Through LR.s.

1/3-A.Taheniyat w/o Habiboddin Kazi  
Age. 43 years. Occu. Agril.

2/3-B.Rimsha D/o Habiboddin Kazi  
Age. 17 years. Occu. Education.

3/3-C.Muhammad Riyan s/o Habiboddin Kazi  
Age. 15 years. Occu. Education.

4/3-D.Mohammad s/o Habiboddin Kazi  
Age. 13 years. Occu. Education.

4. Khaja s/o Latifoddin Kazi  
Age. Major.years. Occ. Agril.

5. Sayyad Durdana Begum Mazhar  
Age. Major.years. Occ. Agril.

All R/o Ahemadpur Tq. Ahmadpur  
Dist. Latur

... APPLICANTS

**VERSUS**

1. The State of Maharashtra  
Through,  
The Dist. Collector Latur

2. The Godavari Marathwada Irrigation Development Corporation through,  
The Executive Engineer, Latur  
Minor Irrigation Division, At. Latur.
3. The Spl. Land Acquisition Officer,  
[Purna Project] Latur

... RESPONDENTS

**WITH  
X-OBJECTION NO. 48 OF 2023  
IN FA/1342/2019**

Rafiyoddin s/o Vaziroddin Kazi (Died)  
Through LRs.

- 1/A Anjumbegum w/o Rafiyoddin Kazi  
Age 72 years. Occu. Agril.
- 1/B Mukhtar s/o Rafiyoddin Kazi  
Age 55 years. Occu. Agril.
- 1/C Sabir s/o Rafiyoddin Kazi  
Age 42 years. Occu. Agril.
- 1/D Faiyaz s/o Rafiyoddin Kzi  
Age 40 years. Occu. Agril.
- 1/E Tambubee w/o Shiddik Pathan  
Age 52 years. Occu. Agril.
- 1/F Kausarbee w/o Anwar Sayyad  
Age 51 years. Occu. Agril.
- 1/G Taslim w/o Sajid Pathan  
Age 48 years. Occu. Service
- 1/H Latifa w/o Jabbar Sayyad  
Age 46 years. Occu. Agril.

All R/o Kalegaon Taluka Ahemadpur  
Dist. Latur.

... APPLICANTS

**VERSUS**

1. The State of Maharashtra  
Through,  
The Dist. Collector Latur
2. The Godavari Marathwada Irrigation  
Development Corporation through,  
The Executive Engineer, Latur  
Minor Irrigation Division, At. Latur.
3. The Spl. Land Acquisition Officer,  
[Purna Project] Latur

**... RESPONDENTS**

**WITH  
X-OBJECTION NO. 108 OF 2023  
IN FA/1308/2019**

1. Basavraj s/o Shivraj Irphale  
Age: 45 yrs, Occu: Agril.
2. Ravishankar s/o Shivraj Irphale  
Age: 40 yrs, Occu: Agril.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

**... APPLICANTS**

**VERSUS**

1. The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)
2. The State of Maharashtra  
Through Collector, Latur

**... RESPONDENTS**

**WITH  
X-OBJECTION NO. 109 OF 2023  
IN FA/1309/2019**

1. Kashinath s/o Santram Kambale (Died)  
Through Legal Representatives.

- 1(1) Smt. Harubai w/o Kashinath Kamble  
Age. 65 years Occu. Agril.
- 1(2) Manoj s/o Kashinath Kamble  
Age. 25 years Occu. Agril.
- 1(3) Santram s/o Kashinath Kamble  
Age. 45 years Occu. Agril.
- 1(4) Umabai w/o Anil Gaikwad  
Age. 38 years Occu. Agril.
- 1(5) Sohambai w/o Dhanaji Suryawanshi  
Age. 36 years Occu. Agril.
- 1(6) Ramabai w/o Gautam Sonkamble  
Age. 34 years Occu. Agril.
- 1(7) Nitabai w/o Raju Kamble  
Age. 32 years Occu. Agril.
- 1(8) Mangalbai w/o Madhav Kamble  
Age. 30 years Occu. Agril.
2. Vishwanath s/o Santram Kamble  
Age 75 yrs. Occu. Agri  
R/o Ahemadpur Tq. Ahemadpur Dist Latur.
3. Sopan s/o Santram Kambe (Died)  
Through LRs.
- 3/1 Laxmibai w/o sopan Kamble  
Age 75 years. Occu. Agril.
- 3/2 Pandhari s/o sopan Kamble  
Age 53 years. Occu. Agril.
- 3/3 Dnyanoba s/o Sopan Kamble  
Age 50 years. Occu. Agril.
- 3/4 Vimalbai w/o Uttamrao Shirsagar  
Age 56 years. Occu. Agril.

3/5 Kamalbai w/o Dayanand Kokate  
Age 47 years. Occu. Agril.

All R/ Ahemadpur Tq. Ahemadpur Dist. Latur

... APPLICANTS

**VERSUS**

1. The State of Maharashtra  
Through,  
The Dist. Collector Latur
2. The Godavari Marathwada Irrigation  
Development Corporation through,  
The Executive Engineer, Latur  
Minor Irrigation Division, At. Latur.
3. The Spl. Land Acquisition Officer,  
[Purna Project] Latur

... RESPONDENTS

**WITH  
X-OBJECTION NO. 110 2023  
IN FA/1306/2019**

1. Balaji s/o Narayan Desai [Died]  
Through LRs.
- 1/A. Smt. Vimalbai w/o Balaji Desai  
Age 52 years Occu. Agril.
- 1/B. Pranali D/o Balaji Desai  
Age 27 years Occu. Education
- 1/C. Prasanna s/o Balaji Desai  
Age 33 years Occu. Education.
- 1/D. Sainath s/o Balaji Desai  
Age 30 years Occu. Education

All R/o Nanded Tq. and Dist. Latur

... APPLICANTS

**VERSUS**

1. The State of Maharashtra  
Through,  
The Dist. Collector Latur
2. The Godavari Marathwada Irrigation  
Development Corporation through,  
The Executive Engineer, Latur  
Minor Irrigation Division, At. Latur.
3. The Spl. Land Acquisition Officer,  
[Purna Project] Latur

... RESPONDENTS

**WITH  
X-OBJECTION NO. 111 OF 2023  
IN FA/1307/2019**

Hafizoddin s/o Variroddin Kazi  
Age 69 years. Occu. Agri.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur

... APPLICANT

**VERSUS**

1. The State of Maharashtra  
Through,  
The Dist. Collector Latur
2. The Godavari Marathwada Irrigation  
Development Corporation through,  
The Executive Engineer, Latur  
Minor Irrigation Division, At. Latur.
3. The Spl. Land Acquisition Officer,  
[Purna Project] Latur

... RESPONDENTS

**WITH  
X-OBJECTION NO. 112 OF 2023  
IN FA/ 1311/2019**

1. Machindra s/o Nagorao Gaikwad  
Age-69 yrs, Occu. Agri
2. Sushila w/o Machindra Gaikwad  
Age 40 years. Occu. Agri

3. Nagesh s/o Machindra Gaikwad  
Age 37 years, Occu. Agri
4. Mangesh s/o Machindra Gaikwad  
Age 32 years, Occu. Agri
5. Shripal s/o Machindra Gaikwad  
Age 64 years, Occu. Agri
6. Pratibha D/o Machindra Gaikwad  
Age 34 years, Occu. Agri
7. Archana D/o Machindra Gaikwad  
Age 35 years, Occu. Agri

All R/o Ahemadpur Tq. Ahemadpur Dist Latur.

... APPLICANTS

**VERSUS**

1. The State of Maharashtra  
Through,  
The Dist. Collector Latur
2. The Godavari Marathwada Irrigation  
Development Corporation through,  
The Executive Engineer, Latur  
Minor Irrigation Division, At. Latur.
3. The Spl. Land Acquisition Officer,  
[Purna Project] Latur

... RESPONDENTS

**X-OBJECTION NO. 113 OF 2023  
IN FA/1305/2019**

1. Mehaboob Ahmed s/o Ajimoddin Kazi  
Age-69 yrs, Occu. Agri
2. Mujiboddin s/o Mehaboob Ahmed Kazi  
Age 36 yrs. Occu. Agri

Both R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur

... APPLICANTS

**VERSUS**

1. The State of Maharashtra  
Through,  
The Dist. Collector Latur
2. The Godavari Marathwada Irrigation  
Development Corporation through,  
The Executive Engineer, Latur  
Minor Irrigation Division, At. Latur.
3. The Spl. Land Acquisition Officer,  
[Purna Project] Latur

**... RESPONDENTS**

**WITH  
X-OBJECTION NO. 114 OF 2023  
IN FA/1340/2019**

1. Shrihari s/o Hanmant Navrange  
Age 62 years. Occu. Agri.  
R/o Ahemadpur Tq. Ahmadpur  
Dist. Latur
2. Narhari s/o Hanmant Navrange (Died)  
Through LRs.
- 2/1 Smt. Pushpabai w/o Narhari Navrange  
Age. 65 years Occu. Agril.
- 2/2 Kiran s/o Narhari Navrange  
Age. 45 years Occu. Agril.
- 2/3 Jayant s/o Narhari Navrange  
Age. 42 years Occu. Agril.
- 2/4 Rahul s/o Narhari Navrange  
Age. 35 years Occu. Agril.
- 2/5 Jyoti w/o Narayan Kamble  
Age. 48 years Occu. Agril.
- 2/6 Anjali w/o Ramesh Waghmare  
Age. 40 years Occu. Agril.

2/7 Megha w/o Siddharth Shelke  
Age. 38 years Occu. Agril.

All R/o Aurangabad N2 Cidco  
Dist. Aurangabad.

... APPLICANTS

**VERSUS**

1. The State of Maharashtra  
Through,  
The Dist. Collector Latur
2. The Godavari Marathwada Irrigation  
Development Corporation through,  
The Executive Engineer, Latur  
Minor Irrigation Division, At. Latur.
3. The Spl. Land Acquisition Officer,  
[Purna Project] Latur

... RESPONDENTS

**WITH  
X-OBJECTION NO. 115 OF 2023  
IN FA/1304/2019**

1. Sujatabai w/o Sheshrao Bansode  
Age-65 yrs, Occu. Agril.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur

... APPLICANT

**VERSUS**

1. The State of Maharashtra  
Through, The Dist. Collector Latur
2. The Godavari Marathwada Irrigation  
Development Corporation through,  
The Executive Engineer, Latur  
Minor Irrigation Division, At. Latur.
3. The Spl. Land Acquisition Officer,  
[Purna Project] Latur

... RESPONDENTS

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Mr.G.K. Sontakke, Advocate for applicant/applicants  
Mr. A.B. Girase, GP for respondent/State.  
Mr. S.G. Sangle, Advocate for respondent no.2.

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**WITH  
FIRST APPEAL NO. 4216 OF 2017**

1. Manmath Narayan Shetkar (Desai),  
Through his LR.
  - 1.A Laxmibai Manmath Shetkar (Desai)  
Age:- 60 years, Occ. H.H.
  - 1.B Archana Manmath Shetkar (Desai)  
Age:- 46 years, Occ. H.H.
  - 1.C Satish Manmath Shetkar (Desai)  
Age:- 42 years, Occ. Business
  - 1.D Sharan Manmath Shetkar (Desai)  
Age:- 38 years, Occ. Business
- All R/o Ahamadpur, Tq. Ahamdpur,  
Dist. Latur.

2. Ravishankar S/o. Narayan Shetkar,  
Age : 40 years, Occu : Agri.,
- Both R/o. Ahmedpur  
Tq. Ahmedpur Dist. Latur.

**... APPELLANTS**

**VERSUS**

1. State of Maharashtra  
Through : Collector, Latur.
2. The Special Land Acquisition Officer  
Purna Project, Latur.
3. The Executive Engineer,  
Minor Irrigation, Latur.

**... RESPONDENTS**

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Mr. P.P. More, Advocate for appellant nos.1A to 1D.  
Mr. A.B. Girase, GP for respondent/State.  
Mr. S.S. Dande, Advocate for respondent no.3.

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**WITH  
FIRST APPEAL NO. 4363 OF 2016**

1. The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)
2. The State of Maharashtra through  
The Collector, Latur.
3. Special Land Acquisition, Purna  
Project, Latur.

**... APPELLANTS**

**VERSUS**

1. Manmath s/o Narayan Shetkar (Desai) (Died)  
Through LRs.
- 1.A Laxmibai Manmath Shetkar (Desai),  
Age:- 60 years, Occ. H.H,
- 1.B. Archana Manmath Shetkar (Desai),  
Age:- 46 years, Occ. H.H,
- 1.C. Satish Manmath Shetkar (Desai),  
Age:- 42 years, Occ. Business,
- 1.D. Sharan Manmath Shetkar (Desai),  
Age:- 38 years, Occ. Business,

All R/o. Ahamadpur, Tq. Ahamdpur,  
Dist. Latur.

**... RESPONDENTS**

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Mr. S.G. Sangle, Advocate for appellant.  
Mr. A.B. Girase, GP for respondent/State.  
Mr.P.P. More, Advocate for respondent nos.1A to 1D.

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**WITH  
FIRST APPEAL NO. 2324 OF 2018**

1. Sangram S/o Kashinath Mahajan  
Age: 54 Years, Occu: Agril.
2. Mahesh S/o Sangram Mahajan  
Age: 21 Years, Occu: Agril.  
All R/o. Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

**... APPELLANTS**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 1123 OF 2019**

Baburao S/o Shivling Wadkar  
Age; 59 years, Occu: Agril.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

**... APPELLANT**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 1409 OF 2019**

Smt. Rukminbai W/O Baburao Wadkar  
Age; 54 years, Occu: Agril.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

**... APPELLANT**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 2839 OF 2019**

Ram S/o Trimbakappa Mahajan,  
Age; 71 years, Occu: Agril.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

**... APPELLANT**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 2840 OF 2019**

Samb s/o Trimbakappa Mahajan  
Age; 57 years, Occu: Agril.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

**... APPELLANT**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

... RESPONDENTS

WITH

**FIRST APPEAL NO. 1655 OF 2024**

Baburao S/o Shivling Wadkar  
Age; 52 years, Occu: Agril.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

... APPELLANT

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

... RESPONDENTS

WITH

**FIRST APPEAL NO. 1656 OF 2024**

Ganesh S/o Manmath Wadkar  
Age; 32 years, Occu: Agril.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

... APPELLANT

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 1657 OF 2024**

Motiram S/o Shivling Wadkar  
Age; 49 years, Occu: Agril.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

**... APPELLANT**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 1658 OF 2024**

Yusufoddin s/o Jamiroddin Kazi  
Age; 49 years, Occu: Agril.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

**... APPELLANT**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur.
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 1659 OF 2024**

Prabhavati W/o Laxman Wadje  
Age; 44 years, Occu: Agril.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

**... APPELLANT**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 1660 OF 2024**

Manmath S/o Madhavrao Wadkar  
Age; 54 years, Occu: Agril.  
R/o Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

**... APPELLANT**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 2909 OF 2024**

Haribai W/o Shankar Mahajan (Dead)  
Through her LRs.

1. Nagnath S/o. Shankarappa Mahajan  
Age: 55 Years, Occu: Agriculture,
2. Panchwati W/o. Rajeshwar Bondge  
Age: 47 Years, Occu: Household,  
  
Both R/o. Ahmedpur,  
Tq. Ahmedpur, Dist. Latur.
3. Chaya W/o. Baswaraj Karanje  
Age: 45 Years, Occu: Household,

R/o. AUSA, Tq. AUSA, Dist. Latur.

... APPELLANTS

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

... RESPONDENTS

**WITH**

**FIRST APPEAL NO. 2956 OF 2024**

1. Nagesh S/o Kedarnath Wadkar  
Age: 22 Years, Occu: Agri.
2. Mahesh Kedarnath Wadkar  
Age: 20 Years, Occu: Agril.
3. Shivbas S/o Kedarnath Wadkar  
Age: 18 Years, Occu: Agril.

All R/o. Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

... APPELLANTS

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

... RESPONDENTS

**WITH**

**FIRST APPEAL NO. 325 OF 2025**

Samb S/o. Shivling Wadkar (Dead)  
Through its LRs

1. Mahanandabai W/o. Sambappa Warkad  
Age: 70 Years, Occu: Household,

R/o. Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.

2. Savita W/o. Shivling Usturge  
Age: 53 Years, Occu: Household,  
R/o. Nanded, Tq. and Dist. Nanded.
3. Sunita W/o. Lingeshwar Nandagavale  
Age: 50 Years, Occu: Household,  
R/o. Wadwal (Nagnath), Tq. Chakur,  
Dist. Latur.
4. Kalpana W/o. Trimbak Eshwarshette  
Age: 47 Years, Occu: Household,  
R/o. Deoni, Tq. Deoni,  
Dist. Latur.
5. Rahul S/o. Sambappa Warkad  
Age: 42 Years, Occu: Agriculture,  
R/o. Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.
6. Shakuntala W/o. Sangmeshwar Thonte  
Age: 40 Years, Occu: Household,  
R/o. Parali (Vaijnath),  
Parali (Vaijnath), Dist. Beed.

**... APPELLANTS**

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 326 OF 2025**

Vaijnath S/o. Shivling Wadkar (Dead)  
Through its LRs

1. Smt. Laxmibai Vaijnath Wadkar  
Age: 70 Years, Occu: Household,  
R/o. Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.
2. Smt. Shobha Vaijnath Akole  
Age: 47 Years, Occu: Household,  
R/o. Kalambar,  
Tq. Kandhar, Dist. Nanded.
3. Sangameshwar Vaijnath Wadkar  
Age: 54 Years, Occu: Agril.,  
R/o. Ahmedpur, Tq. Ahmedpur,  
Dist. Latur.
4. Parvati Sambhaji Ashture  
Age: 40 Years, Occu: Household,  
R/o. Satala (Waygaon),  
Tq. Udgir, Dist. Latur.
5. Mahadevi Santosh Husnale  
Age: 38 Years, Occu: Household,  
R/o. Ukadgaon,  
Tq. Sonpeth, Dist. Parbhani.

... APPELLANTS

**VERSUS**

1. The State of Maharashtra  
Through Collector, Latur
2. The Executive Engineer,  
Latur Minor Irrigation Division,  
Latur.

... RESPONDENTS

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Mr. V.B. Patil, Advocate for appellant.  
Mr. A.B. Girase, GP for respondent/State.  
Mr. S.G. Sangle, Advocate for respondent no.2.

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**WITH  
FIRST APPEAL NO. 2289 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Sangram s/o Kashinath Mahajan  
Age-50 yrs, Occ. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. Mahesh s/o Sangram Mahajan  
Age-17 yrs, Occu. Agri  
r/o as above
3. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2290 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development Corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Motiram s/o Shivling Wadkar  
Age-45 yrs, Occu. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2291 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

**... APPELLANT**

**VERSUS**

1. Samb s/o Shivling Wadkar  
Age-60 yrs, Occu. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 2292 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

**... APPELLANT**

**VERSUS**

1. Baburao s/o Shivling Wadkar  
Age-55 yrs, Occu. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

**... RESPONDENTS**

**WITH  
FIRST APPEAL NO. 2293 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Yusufoddin s/o Jamiroddin Kazi  
Age-45 yrs, Occu. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur

2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2294 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Nagesh s/o Kedarnath Wadkar  
Age-17 yrs, Occ. Agri
2. Mahesh s/o Kedarnath Wadkar  
Age-15 yrs, Occu. Agri
3. Shivba s/o Kedarnath Wadkar  
Age-13 yrs, Occu. Agri

All minors U/G of mother  
Sow. Anjanabai w/o Kedarnath Wadkar  
Age-Major yrs, Occu. Household  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur

4. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2295 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Smt. Prabhavati w/o Laxman Wadje  
Age-40 yrs, Occu. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2296 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Samb s/o Laxman Shetkar  
Age-48 yrs, Occu. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur

2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2297 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Sow. Rukminibai w/o Baburao Wadkar  
Age-53 yrs, Occu. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2298 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Samb s/o Trimbakappa Mahajan  
Age-53 yrs, Occu. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur

2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2299 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Ganesh s/o Manmath Wadkar  
Age-60 yrs, Occu. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2300 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Vaijanath s/o Shivling Wadkar  
Age-60 yrs, Occu. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur

2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2301 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Ram s/o Trimbakappa Mahajan  
Age-67 yrs, Occu. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2302 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Smt. Haribai w/o Shankar Mahajan  
Age-58 yrs, Occu. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

**WITH  
FIRST APPEAL NO. 2303 OF 2013**

The Executive Engineer,  
Minor Irrigation Division, Latur  
(Under the Godavari Marathwada  
Irrigation Development corporation  
Ltd, Aurangabad)

... APPELLANT

**VERSUS**

1. Manmath s/o Madhavrao Wadkar  
Age-50 yrs, Occu. Agri  
r/o Ahmedpur, Tq. Ahmedpur  
Dist Latur
2. The State of Maharashtra  
Through Collector, Latur

... RESPONDENTS

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Mr. S.G. Sangle, Advocate for appellant.  
Mr. A.B. Girase, GP for respondent/State.  
Mr. V.B. Patil, Advocate for respondent no.1.

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**CORAM : NITIN B. SURYAWANSHI AND  
VAISHALI PATIL – JADHAV, JJ.**

**RESERVED ON : 18.12.2025  
PRONOUNCED ON : 16.03.2026**

**J U D G M E N T** [Per Vaishali Patil – Jadhav, J.] :

. **Admit.** Heard finally with the consent of learned advocates for  
the parties.

2. (I) Dissatisfied with the amount of compensation awarded by the Reference Court vide judgment and award dated 21.03.2012 in Land Acquisition Reference Nos. 94/2011 (Old No. 56/2008), 95/2011 (Old No.57/2008), 96/2011 (Old No. 58/2008), 97/2011 (Old No.59/2008), 98/2011 (Old No. 60/2008), 99/2011 (Old No.61/2008), 100/2011 (Old No. 62/2008) and 312/2011 (Old No.158/2008), First Appeal No. 1098/2018 is preferred by the land owner/claimant. And, dissatisfied with enhancing the amount of compensation, the acquiring body – Godavari Marathwada Irrigation Development Corporation (“GMIDC”) has preferred First Appeal Nos. 802/2014, 803/2014, 804/2014, 805/2014, 806/2014, 807/2014, 808/2014 and 809/2014 against the same references. In seven First Appeals filed by the acquiring body – GMIDC, the land owners/claimants have preferred X-Objection Nos. 101/2023 in F.A. No. 807/2014, 102/2023 in F.A. No. 806/2014, 103/2023 in F.A. No. 805/2014, 104/2023 in F.A. No. 809/2014, 105/2023 in F.A. No. 803/2014, 106/2023 in F.A. No. 808/2014 and 61/2024 in F.A. No. 804/2014.

(II) Dissatisfied with enhancing the amount of compensation, the acquiring body – GMIDC has preferred First Appeal Nos. 2266/2013, 2267/2013, 2268/2013, 2269/2013, 2270/2013, 2271/2013,

2272/2013, 2273/2013 and 2274/2013 against the judgment and award dated 09.02.2012 passed by the Reference Court in Land Acquisition Reference Nos. 711/2008, 712/2008, 713/2008, 714/2008, 715/2008, 716/2008, 717/2008, 718/2008 and 719/2008. In the First Appeals filed by the acquiring body – GMIDC, the land owners/claimants have preferred X-Objection (Stamp) No. 39144/2016 in F.A. No. 2273/2013, X-Objection (Stamp) No.41987/2017 in F.A. No. 2269/2013, X-Objection (Stamp) No. 42048/2017 in F.A. No. 2270/2013, X-Objection (Stamp) No. 18614/2020 in F.A. No. 2274/2013, X-Objection Nos. 51/2022 in F.A. No. 2272/2013, 168/2024 in F.A. No. 2266/2013, 210/2025 in F.A. No. 2267/2013, 211/2025 in F.A. No. 2268/2013 and 212/2025 in F.A. No. 2271/2013.

(III) Dissatisfied with the amount of compensation awarded by the Reference Court vide judgment and award dated 11.10.2010 in Land Acquisition Reference Nos. 150/2007, 151/2007, 152/2007, 153/2007, 154/2007, 155/2007, 156/2007, 171/2007, 51/2008, 52/2008, 54/2008 and 55/2008, First Appeal No. 603/2011 is preferred by the land owner/claimant and dissatisfied with enhancing the amount of compensation First Appeal Nos. 1304/2019, 1305/2019, 1306/2019, 1307/2019, 1308/2019, 1309/2019,

1310/2019, 1311/2019, 1340/2019, 1341/2019, 1342/2019 and 1343/2019 are preferred by the acquiring body – GMIDC. In eleven First Appeals filed by the acquiring body – GMIDC, the land owners/claimants have preferred X-Objection (Stamp) No.10772/2019 in F.A. No. 1343/2019, X-Objection Nos. 91/2022 in F.A. No. 1310/2019, 48/2023 in F.A. No. 1342/2019, 108/2023 in F.A. No. 1308/2019, 109/2023 in F.A. No. 1309/2019, 110/2023 in F.A. No. 1306/2019, 111/2023 in F.A. No. 1307/2019, 112/2023 in F.A. No. 1311/2019, 113/2023 in F.A. No. 1305/2019, 114/2023 in F.A. No. 1340/2019 and 115/2023 in F.A. No. 1304/2019.

(IV) Dissatisfied with the amount of compensation awarded by the Reference Court vide judgment and award dated 02.02.2011 in Land Acquisition Reference No. 884/2008 First Appeal No. 4216/2017 is preferred by the land owner/claimant. And, dissatisfied with enhancing the amount of compensation, the acquiring body – GMIDC has preferred First Appeal No. 4363/2016 against the same reference.

(V) Dissatisfied with the amount of compensation awarded by the Reference Court vide judgment and award dated 16.12.2011 in Land Acquisition Reference Nos. 695/2008, 696/2008, 697/2008, 698/2008, 699/2008, 700/2008, 701/2008, 702/2008, 703/2008,

705/2008, 706/2008, 707/2008, 708/2008, 709/2008 and 710/2008, the land owners/claimants have preferred First Appeal Nos. 2324/2018, 1123/2019, 1409/2019, 2839/2019, 2840/2019, 1655/2024, 1656/2024, 1657/2024, 1658/2024, 1659/2024, 1660/2024, 2909/2024, 2956/2024, 325/2025 and 326/2025. And, dissatisfied with enhancing the amount of compensation, the acquiring body – GMIDC has preferred First Appeal Nos. 2289/2013, 2290/2013, 2291/2013, 2292/2013, 2293/2013, 2294/2013, 2295/2013, 2296/2013, 2297/2013, 2298/2013, 2299/2013, 2300/2013, 2301/2013, 2302/2013 and 2303/2013 against the same references.

3. In the aforesaid five groups of first appeals, the agricultural lands owned and possessed by the claimants, situated at Ahmedpur, Tal. Ahmedpur, Dist. Latur came to be acquired by the State Government for GMIDC, for the construction of “Kalegaon Storage Tank, Ahmedpur,” Tq. Ahmedpur, Dist. Latur. Notifications under Section 4 of the Land Acquisition Act, 1894 (hereinafter "the L.A. Act") were published on 03.10.2004, 07.07.2006, 25.02.2006, 07.07.2006 and 03.12.2005 in Group Nos. I to V, respectively.

4. Thus, these five groups of first appeals are being taken up together for hearing and decided by this common judgment as the notifications under Section 4 of the L.A. Act are issued contemporaneously and lands of the claimants are acquired for the same project.

5. Learned advocates appearing for the claimants and X-objectors submit that the land owners whose lands were acquired for the same project i.e. “Kalegaon Storage Tank, Ahmedpur” had filed First Appeal No. 1089 of 2015 (Kiran Ramrao Hivare Vs. The State of Maharashtra & Ors.) with companion matters assailing the awards dated 05.02.2008, 06.02.2008 and 05.02.2008 passed by the Reference Court. Co-ordinate Bench of this Court (Coram: Sunil P. Deshmukh and R.G. Avachat) after evaluation of evidence partly allowed the First Appeals, by common judgment dated 16.09.2019 (hereinafter referred to as “**parity judgment**”) and awarded compensation at the rate of Rs. 75/- per sq. ft. for non-agricultural lands and Rs.60/- per sq. ft. for other lands and also modified the award to the extent of granting interest from the date of award instead of granting from the date of publication of Section 4 notification as awarded by the Reference Court. Learned advocates for the claimants would therefore urge that since the claimants have also lost the lands against acquisition for the

same project, by issuance of contemporaneous notifications under Section 4, which are in proximity to one another and most importantly the evidence in both cases being the same, they are entitled to parity in compensation.

6. Learned Advocate Mr. A.V. Sakolkar appearing for the claimants, while arguing First Appeal No. 1098/2018 would submit that, under Section 4 of the L.A. Act, notification is required to be published in three stages firstly it should be published in Official Gazette, secondly it should be published in two daily newspapers circulated in the locality and thirdly public notice of such notification is required to be given at a convenient place of the village of which the lands are proposed to be acquired. And last of the dates of such publication and giving of such notice shall be considered as the last date of publication of notification under Section 4 of the L.A. Act which is 03.10.2004 in respect of First Appeal No.1098/2018, wherein the award dated 16.10.2006 is challenged. He would submit that this Court while enhancing the compensation in the parity judgment has considered the sale deeds dated 10.02.2004 in respect of Survey No. 88/1/1 and 15.04.2004 in respect of Survey No. 88/1/2 from the village Ahmedpur, which have also been relied on by the present claimants in their respective references. These sale instances relied by the claimants

are prior to the date of Section 4 notification dated 03.10.2004. He would submit that those sale deeds are executed after taking permission of the Charity Commissioner, as the lands were sold by way of tender process and not by auction process as argued by Acquiring Body.

He would submit that, in the parity judgment, this Court has observed that, the Survey No. 2 is in close proximity with the acquired lands. Hence, the price range of rates of sale deeds of Survey No. 2 have been considered while fixing the compensation of acquired lands. It is submitted that the same Survey No. 2 is in close proximity with the acquired lands in the present appeals and as the lands were acquired for the same project, it would be unfair to discriminate between the land owners, to pay more to some and less to others, when the purpose of acquisition is the same and lands are identical and similar.

He would also submit that for the purpose of compensation for trees, the claimants have adduced evidence of CW-2 Dr. Keshav Ramrao Pawar at Exhibit 21, which should have been accepted by the Reference Court in its entirety, and the price should have been enhanced accordingly, instead of giving only 50% rise over the compensation awarded by the SLAO.

Lastly he prayed that compensation at the rate of Rs. 60/- per sq.ft., be granted for the acquired lands as granted in the parity judgment and prayed for enhancement in compensation for trees.

7. Learned advocates Mr. G.K. Sontakke, Mr. VB Patil and Mr. S. S. Halkude adopted the arguments of learned Advocate Mr. A. V. Sakolkar and claimed parity and prayed for compensation at the rate of Rs. 60/- per sq. ft.

8. All the advocates would submit that the Acquiring Body/State has not adduced any evidence before the Reference Court except filing of a written statement.

9. The various judgments relied by learned advocates for the claimants/X-objectors are discussed hereinbelow :-

10. To point out the factors required to be taken into consideration while determining the potentiality of land, learned advocates for the claimants/X-objectors have relied on the following judgments:

1. *Collector, Raigarh Vs. Harsing Thakur; AIR 1979 SC 472*
2. *P. Ram Reddy Vs. Land Acquisition Officer, Hyderabad Urban Development Authority; 1995 DGLS (SC) 148*

11. To substantiate the contention that sale instances relating to smaller pieces of land can be considered while determining compensation for large tracts of land, learned advocates for the claimants/X-objectors have relied on the following judgments:

*1. Bhagwathula Samanna Vs. Special Tahsildar and Land Acquisition Officer, Visakhapatnam Municipality, Visakhapatnam; 1991 DGLS (SC) 477*

*2. Thakusibhai Devjibhai and Ors. Vs. Executive Engineer, Gujarat and Anr.; 2001 (2) LACC 319*

*3. Executive Engineer (C), MSEB, Nagapur Vs. Uttamrao Bapurao Raut and Ors.; 2009 (6) ALL MR 827*

*4. Special Land Acquisition Officer and Anr. Vs. M.K. Rafiq Saheb; 2011(8-9) SBR 494*

12. To fortify the submission regarding the applicability of the principle of parity and the settled principles governing determination of compensation in land acquisition proceedings, learned advocates for the claimants/X-objectors have relied on the following judgments:

*1. Chimanlal Hargovinddas Vs. Special LAO; 1988 Bom.L.R. (90) 282*

*2. Union of India Vs. Bal Ram; 2004 DGLS (SC) 59*

*3. Union of India Vs. Pramod Gupta and Ors.; AIR 2005 SC 3708 (1)*

*4. Bayaji Tatya Kalunge Vs. State of Maharashtra; 2007 (Supp.) Bom.C.R. 771*

*5. Special LAO Vs. M.K. Rafiq; 2011 (6) Mh.L.J. 9*

6. *Salaha Begaum Vs. Special Land Acquisition Officer; 2012 DGLS (SC) 650*
7. *Ambaji Dharma Pardeshi Vs. State of Maharashtra; Civil Appeal No. 5088-5089 of 2013*
8. *Dhiraj Singh (D) TR. Vs. Haryana State; MANU/SC/0778/2014*
9. *Pehlad Ram Vs. Haryana Urban Authority; 2014 R.C.R. (Civil) (1) 316*
10. *Jagmal Vs. State of U.P. ; Civil Misc. Review No. 1744702 of 2015*
11. *Madhukanta M. Chinchani and Ors. Vs. Special Land Acquisition Officer and Anr.; 2016 DGLS (SC) 334*
12. *Ali Mohammad Beigh and Ors. Vs. State of Jammu and Kashmir; 2017 DGLS (SC) 316*
13. *Narendra and Ors. Vs. State of Uttar Pradesh and Ors.; 2017 DGLS (SC) 926*
14. *Ningappa Thotappa Angadi Vs. The Special Land Acquisition Officer and Ors.; MANU/SC/1745/2019*
15. *G. Hanumantharao Vs. Special Land Acquisition Officer, Shimoga; AIRONLINE 2020 KAR 310*
16. *Ajaipal Singh and Ors. Vs. State of Uttar Pradesh and Anr.; 2021 DGLS (SC) 495*
17. *Anil Kumar Soti and Ors. Vs. State of Uttar Pradesh; 2021 DGLS (SC) 804*
18. *State of Haryana Vs. Subhash Chander ;2023 Scale (2) 588*
19. *Kamlabai Ganeshsingh Parihar Vs. State of Maharashtra; 2023 DGLS (Bom) 2973*
20. *Priyadarshan Bharti Vs. State of Maharashtra; 2024 DGLS (Bom.) 3270*
21. *Krishan Kumar Vs. State of Haryana and Ors.; 2025 DGLS (SC) 692*

13. To emphasize the contention that when several sale exemplars relating to similar lands are available, the highest bonafide sale exemplar must be considered, learned advocates for the claimants/X-objectors have relied on the judgment in ***Manohar and Ors. Vs. State of Maharashtra and Ors.; 2025 DGLS (SC) 998***

14. Learned advocates for the claimants/X-objectors have relied on the judgment in ***Vidarbha Irrigation Development Corporation, Nagpur Vs. Laxman Seetaram Neulkar (AIR Online 2020 Bom 1264)*** to contend that if the true market value of the land is more than the rate claimed by the landowner, it is the duty of the Court to award just and fair compensation, and compensation can be awarded even more than what is claimed.

15. In support of their contention that no fault can be found in the valuer's report, learned advocates for the claimants/X-objectors have relied on the judgment in ***Pandhari Dhondiba Nukulwad Vs. State of Maharashtra and Ors. (2020 (2) Mh.L.J. 412)***, wherein it is observed that objection to a valuation report cannot be taken merely on the ground that prior notice was not given by the expert, as the valuer was engaged by the claimants and there is no requirement in law to issue

notice to the government while carrying out valuation of trees through a private valuer.

Reliance has also been placed on the judgment in *Chindha Fakira Patil Vs. The Special Land Acquisition Officer, Jalgaon (AIR 2012 SC 481)* to contend that expert valuation of fruit-bearing trees ought to be considered and should not be rejected in the absence of any evidence to the contrary.

16. Controverting the submissions advanced on behalf of the appellants, learned Advocate Mr. S. G. Sangle appearing for the acquiring body opposed the appellants' claim for compensation on the basis of parity. He would submit that, the rates granted in the parity judgment cannot be applied *ipso facto* to the facts of the instant case as the material evidence which formed basis for determination of market value was essentially sale instances from Survey No. 2 whereas in the present appeals, the claimants have relied on sale deeds dated 10.02.2004 and 15.04.2004 of Survey No. 88/1/2 which are though discussed in the parity judgment, the price is not fixed on its basis. The sale deeds have been executed in favour of the family members or persons known to the claimants. The sale instances were sham, collusive transactions were entered into to jack up prices of lands to inflate market value of acquired land. The sale instances are post

Section 4 notification as the Section 4 notification was published in official gazette on 01.01.2004 and the sale instances are dated 10.02.2004 and 15.04.2004. Moreover, the sale instances are a result of auction sales and auction sales do not furnish a sale guide for determination of market value and hence the Reference Court should not have relied on these sale instances.

He would submit that acquired lands were purely agricultural, were from no development zone, sale instances relied were essentially auction purchase transactions, sale instances are not genuine, lacked bonafides, were commercial transactions, the chronological sale transaction indicates knowledge and not a mere coincidence, hence in view of submissions, appeals filed by the acquiring body be allowed and appeals filed by the claimants be dismissed.

17. Learned Government Pleader Mr. A. B. Girase, appearing for the State and learned Advocate Mr. Ram Deshpande appearing for the acquiring body, adopted the arguments of learned Advocate Mr. S. G. Sangle.

18. The various judgments relied by learned advocates for the acquiring body/State are discussed hereinbelow :-

19. To buttress the submission that element of competition in auction sales renders them unsafe guides for determining the market value, learned advocates appearing for the acquiring body and the State have relied on the judgment in ***Karnataka Housing Board Vs. Land Acquisition Officer, Gadag & Ors.; 2011 (2) SCC 246***, wherein it is held that:

*“There is therefore every likelihood of auction price being either higher or lower than the real market price, depending upon the nature of sale. As a result, courts are wary of relying upon auction sale transactions when other regular traditional sale transactions are available while determining the market value of the acquired land. This Court in Raj Kumar v. Haryana State observed that, the element of competition in auction sales makes them unsafe guides for determining the market value.”*

Reliance is also placed on the following judgments which reiterate the same principle :

1. ***Rajkumar & Ors. Vs. Haryana State & Ors.; 2007 (7) SCC 609***
2. ***Major Gen. Kapil Mehra & Ors. Vs. Union of India; 2015 (2) SCC 262***
3. ***Barla Ram Reddy Vs. State of Telangana; 2025 DGLS (SC) 5059***

20. To point out the settled position of law that bona fide sale transactions should be considered while determining the market value and not got-up sale instances executed with prior knowledge of the proposed acquisition, reliance is placed on the judgment in ***Land Acquisition Officer, Eluru Vs. Jasti Rohini*** reported in ***1995 (1) SCC 717***,

*“The reasonable method to determine the market value of the acquired land is on the evidence of transactions of bonafide sales of acquired land, but not on evidence of sales of such land got up having had knowledge of the proposed acquisition, the former would furnish reasonable basis to determine the compensation. In its absence, bonafide sales but not manipulated sales of the lands in the neighborhood possessed of same or similar quality and having the same or similar advantages would give an unerring assurance to the court to determine just and proper compensation. Such sales must not be established as a fact by examining either the vendor or the vendee. Marking of certified copies of sale deeds are not proof of either the contents or the circumstances in which it came to be executed. Bonafide sale or series of sales of small pieces of land do not furnish the sole basis to determine market value. Bonafide sales may furnish evidence of the market conditions for consideration. Fixation of market value on the basis of the basic valuation register is, therefore, illegal and unsustainable.”*

Learned advocates have also relied on the following judgments in which the similar principle is reiterated:

1. ***M.V K. Gundarao Vs. Revenue Divisional Officer, (LAO) ,Narasaraopet ; (1996) 3 SCC 129***

**2. *Trishala Jain Vs. State of Uttaranchal & Anr. ; AIR 2011 SC 2458***

21. Controverting the submissions of the claimants, learned advocates appearing for the acquiring body and the State, have relied on the judgment in ***Chimanlal Hargovinddas Vs. Land Acquisition Officer, Poona*** reported in ***(1988) 3 SCC 751***, wherein the Hon'ble Supreme Court has observed that “*Only genuine instances have to be taken into account. Sometimes instances are rigged up in anticipation of acquisition.*”

22. The learned advocates appearing for the acquiring body and the State have relied on the judgment in ***Shaji Kuriakose Vs. I.O.C.*** reported in ***2001 (7) SCC 650***, to indicate the factors required to be satisfied while relying upon comparable sale instances for determining the market value.

*"The factors laid down are: (1) the sale must be a genuine transaction, that (2) the sale deed must have been executed at the time proximate to the date of issue of notification under Section 4 of the Act, that (3) the land covered by the sale must be in the vicinity of the acquired land, that (4) the land covered by the sales must be similar to the acquired land, and that (5) the size of plot of the land covered by the sales be comparable to the land acquired."*

23. Reliance is placed on the judgment in the case of ***Dollar Company, Madras Vs. Collector of Madras*** reported in ***1975 (2) SCC 730*** wherein the Hon'ble Supreme Court has observed that:

*" It is true that compensation for compulsory acquisition, as governed by Section 23, gives high priority to the market value of the land at the date of the publication of the notification under S. 4, sub-s. (1). But what is market value? It is a common place of this branch of jurisprudence that the main criterion is what a willing purchaser would pay a willing vendor. Ordinarily a party will be entitled to get the amount that he actually and willingly paid for a particular property, provided the transaction be bona fide and entered into with due regard to the prevalent market conditions and is proximate in time to the relevant date under S. 23. We may even say that the best evidence of the value of property is the sale of the very property to which the claimant is a party."*

24. While opposing the claim of the claimants on the point of credibility of evidence, expert evidence and report, the learned advocates appearing for the State have relied on the judgment in the case of ***Executive Engineer, Minor Irrigation Works, Jalgaon Vs. Vitthal Damodar Patil and Anr.*** reported in ***(2019) 7 SCC 225*** wherein it was observed by the Hon'ble Supreme Court that, the High Court in that case had misapplied the decision in *Chindha Fakira Patil*. *"There is no proper analysis of the oral evidence which has come on record in the present case and more so the efficacy of lengthy cross-examination of the said witness by the appellant in respect of matters such as his eligibility, competence and including credibility, reliability and*

*admissibility of the evidence given by him regarding the contents of the valuation report."*

Learned advocates have also relied on the judgment in ***State of H.P. Vs. Jai Lal*** reported in ***1999 DGLS (SC) 964*** where the Hon'ble Supreme Court has observed :

*"(17) SECTION 45 of the Evidence Act which makes opinion of experts admissible lays down that when the court has to form an opinion upon a point of foreign law, or of science, or art, or as to identity of handwriting or finger impressions, the opinions upon that point of persons specially skilled in such foreign law, science or art, or in questions as to identify of handwriting, or finger impressions are relevant facts. Therefore, in order to bring the evidence of a witness as that of an expert it has to be shown that he has made a special study of the subject or acquired a special experience therein or in other words that he is skilled and has adequate knowledge of the subject.*

*(18) AN expert is not a witness of fact. His evidence is really of an advisory character. The duty of an expert witness is to furnish the Judge with the necessary scientific criteria for testing the accuracy of the conclusions so as to enable the Judge to form his independent judgment by the application of this criteria to the facts proved by the evidence of the case. The scientific opinion evidence, if intelligible, convincing and tested becomes a factor and often an important factor for consideration along with the other evidence of the case. The credibility of such a witness depends on the reasons stated in support of his conclusions and the data and materials furnished which form the basis of his conclusions.*

*(19) THE report submitted by an expert does not go in evidence automatically. He is to be examined as a witness in court and has to face cross-examination. This court in the case of Hazi Mohammed Ikramul Haque v. State of West Bengal concurred with the finding of the High court in not placing any reliance upon the evidence of an expert witness on the ground that his evidence was merely an opinion unsupported by any reasons."*

The same principle has been followed in the case of ***State of Maharashtra and Ors. Vs. Bhimdeo Rattu Rathod and Ors.*** reported in ***2022 DGLS (Bom.) 345*** .

25. Learned advocates for the acquiring body and State have relied upon the judgment in ***Union of India vs. Pramod Gupta***, reported in ***AIR 2005 SC 3708***, wherein the Hon'ble Supreme Court has discussed the parameters to be considered while determining the market value of acquired land for the purpose of fixing the amount of compensation, which are reproduced below:

*"23. While determining the amount of compensation payable in respect of the lands acquired by the State, indisputably the market value therefor has to be ascertained. There exist different modes therefor.*

*24. The best method, as is well-known, would be the amount which a willing purchaser would pay to the owner of the land. In absence of any direct evidence, the court, however, may take recourse to various other known methods. Evidences admissible therefor inter alia would be judgments and awards passed in respect of acquisitions of lands made in the same village and/or neighbouring villages. Such a judgment and award in absence of any other evidence like deed of sale, report of expert and other relevant evidence would have only evidentiary value."*

Reliance is also placed on ***Bangaru Narasingha Rao Naidu and Ors. Vs. Revenue Divisional Officer, Vizianagaram*** reported in ***(1980) 1 SCC 575*** to emphasize that the best evidence of market value is

afforded by genuine sale transactions relating to the acquired land itself, provided, the authenticity of such transactions is not in doubt.

Similar principle governing determination of the market value on the basis of genuine and comparable sale instances have also been reiterated in *Special Land Acquisition Officer, BTDA, Bagalkot Vs. Mohd. Hanif Sahib Bawa Sahib* reported in (2002) 3 SCC 688 and *State of Goa Vs. Kissan V. Gaonkar* reported in 2005 (2) Goa LR 95

26. To contend that no prudent person would come forward to purchase a vast extent of land on square feet basis, reliance is placed on *Shakuntalabai and Ors. Vs. State of Maharashtra* reported in (1996) 2 SCC 152, wherein it is held :

*"5. It is seen that the reference court blissfully overlooked the admission of the owner on the surmise that it is an estimate made by the claimant and the evidence of the sale deeds under Exs. 38 and 44 being prevailing prices, it acted thereon and determined the compensation. The approach of the reference court is clearly illegal and that of the High Court is quite correct and it was the only way in which the market value could be determined on the face of the evidence on record. The reference court committed manifest error in determining the compensation on the basis of sq. ft. When lands of an extent of 20 acres are offered for sale in an open market, no willing and prudent purchaser would come forward to purchase that vast extent of land on sq. ft. basis. Therefore, the reference court has to consider the valuation sitting on the armchair of a willing prudent hypothetical vendee and to put a question to itself whether*

*in given circumstances, he would agree to purchase the land on sq. ft. basis. No feat of imagination is necessary to reach the conclusion. The answer is obviously no. This aspect of the matter was totally ignored by the reference court and mechanically accepted the two sale deeds to enhance the compensation at a value of nearly Rs 35,000 per acre. In State of M.P. v. Shantabhail and V.M. Salgoacar & Brother Ltd. v. Union of India<sup>2</sup>, this Court had accepted the principle that when the owner himself has purchased the land under acquisition, the consideration mentioned in the sale deed would form the basis to determine the market value. Though the High Court has relied on the sale deeds under Exs. 65 and 66 relating to the lands in Nityanand Nagar Colony, it is also necessary to go into that aspect of the matter in the view we have stated above."*

27. On the point that sale instances relating to smaller pieces of land cannot be considered while deciding claims or fixing compensation as to large pieces of land, learned advocates appearing for the acquiring body and the State have relied on the judgment in the case of ***Prithvi Raj Taneja Vs. The State of M.P. and Anr.*** reported in ***AIR 1977 SC 1560*** wherein it is held in Para 6 that,

*"..... We agree with the High Court that the price paid for small plots of land cannot provide a safe criterion for determining the amount of compensation for a vast area of land. We may in this context refer to a recent judgment in the case of Smt. Padma Uppal Vs. State of Punjab, C.A. Nos. 2339 and 2403 of 1972, D/- 23-8-1976 : (reported in AIR 1977 SCC 580) wherein this Court observed that it is well settled that in determining compensation the value fetched for small plots of land cannot be applied to the lands covering a very large area and that the large area of land cannot possibly fetch a price at the same rate at which small plots area sold."*

Same principle is reiterated in the following judgments :

1. ***Smt. Padma Uppal and Ors. Vs. State of Punjab and Anr.; (1977) 1 SCC 330***
2. ***The State of Maharashtra and Ors. Vs. Digambar Bhimashankar Tandale and Ors.; 1997 (1) Bom.C.R. 582***
3. ***Karnataka Urban Water supply and Drainage Board, etc. Vs. K.S. Gangadharappa and Another ; 2009 DGLS (SC) 584***

28. In support of his contention that, it is the duty of the State or federal government to see that the compensation is just, not merely to the individual whose property is taken but, to the public which is to pay for it, learned advocates appearing for the acquiring body and the State have relied on the judgment in ***Dollar Company, Madras Vs. Collector of Madras reported in 1975 (2) SCC 730*** and also on ***Union of India Vs Pramod Gupta (D) by LRs and others*** wherein, the Hon'ble Supreme Court has observed, *“The Courts will also have to take into consideration the enormity of the financial implication of enhancement in view of the size of the land acquired for a particular project.”*

29. The learned advocate appearing for the acquiring body has placed reliance on the following judgments to substantiate the point that Sale Deeds executed post section 4 notification cannot be relied upon:

1. ***A. Natesam Pillai Vs. Sp. Tahasildar, Land Acquisition Tiruchy ; (2010) 9 SCC 118***

**2. *Himmat Singh & Ors. Vs. State of M.P & Anr. ; (2013) 16 SCC 392***

30. While refuting the claim of the claimants on the ground of parity, learned advocates for the acquiring body/State have placed reliance on various judgments of the Hon'ble Supreme Court and this Court, to highlight that it has been consistently held by the Courts that compensation cannot be determined by mechanically following earlier awards or judgments relating to other lands. Judgments and awards not inter partes are not binding for determination of market value and may only constitute as a piece of evidence which can be relied upon only if the lands are proved to be comparable in terms of location, potentiality and other relevant advantages. These principles of law are laid down in the following judgments :

In *Smt. Padma Uppal and Ors. Vs. State of Punjab and Anr.* reported in *(1977) 1 SCC 330*, the Hon'ble Supreme Court has observed as, "*The contention of counsel for the appellants that compensation should have been awarded treating the entire land as potential building area is devoid of substance. It is true that the land in question constitutes one block but it cannot be overlooked that the entire area thereof is not similarly situate and does not possess the same or similar advantages and benefits.*"

***Basant Kumar & others Vs. Union of India & others***, reported in **1996(11) SCC 542** where the Hon'ble Supreme Court has observed in para:

*"5. Shri N.C. Jain, the learned senior counsel appearing for the appellants, The question is: whether the appellants are entitled to the same compensation as was determined by the High Court in the appeals arising out of Raghubir Singh's case and Chet Ram's case? It has been firmly settled law by beadle of decisions of this Court that the Judge determining the compensation under Section 23(1) should sit in the arm chair of a willing prudent purchaser in an open market and see whether he would offer the same amount proposed to be fixed as market value as a willing and prudent buyer for the same or similar land, i.e., land possessing all the advantageous features and of same extent. This test should always be kept in view and answer affirmatively, taking in to consideration all relevant facts and circumstances. If feats of imagination are allowed to sway he out steps his domain of judicial decision and lands in misconduct amenable to disciplinary law. We have gone through the record and judgments in Chet Ram's case and Raghubir Singh's case decided by the two Division Benches. The learned judges have adopted the principal that the entire lands in the village shall be treated as one unit and the compensation shall uniformly be determined on that basis. The principal is wholly unsustainable in law and cannot be a valid ground for determination of compensation. It is common knowledge that even in the same village, no two lands command same market value. The lands abutting main road or national highway command higher market value and as the location goes Backward, market value of interior land would less even for same kind of land. It is a settled legal position that the lands possessed of only similar potentiality or the value with similar advantages offer comparable parity of the value; it is common knowledge that the lands in the village spread over the vast extent. In this case it is seen that land is as vast as admeasuring 1669 bighas, 18 biswas of land in the village. So, all lands cannot and should not be classified as possessed of same market value. Burden is always*

*on the claimant to prove the market value and the Court should adopt realistic standards and pragmatic approach in evaluation of the evidence. No doubt, each individual have different parcels of the land out of that vast land. If that principle is accepted as propounded by the High Court, irrespective of the quality of the land, all will be entitled to the same compensation. That principal is not the correct approach in law. The doctrine of equality in determination and payment of same compensation for all claimants involved in the same notification is not good principal acceptable for the aforestated reasons. When both the lands are proved to be possessed of same advantages, features etc, then only equal compensation is permissible.*

*6. It is then to be seen that the learned judges have further pointed Therefore, the principle laid down by the Court in the said two cases is obviously illegal and cannot form a legal basis, though these judgments became final, we cannot repeat, on principal of parity, same illegality."*

***Manoj Kumar Vs. State of Haryana and Ors.*** reported in ***AIR 2018***

***SC (Supp.) 247*** where the Hon'ble Supreme Court has observed in para:

*"14. In our opinion, the High Court could not have placed an outright reliance on the decision of Swaran Singh's case, without considering the nature of transaction relied upon in the said decision. The decision could not have been applied ipso facto to the facts of the instant case. In such cases, where such judgments/awards are relied on as evidence, though they are relevant, but cannot be said to be binding with respect to the determination of the price, that has to depend on the evidence adduced in the case. However, in the instant case, it appears that the land in Swaran Singh's case was situated just across the road as observed by the High Court as such it is relevant evidence but not binding. As such it could have been taken into consideration due to the nearness of the area, but at the same time what was*

*the nature of the transaction relied upon in the said case was also required to be looked into in an objective manner. Such decisions in other cases cannot be adopted without examining the basis for determining compensation whether sale transaction referred to therein can be relied upon or not and what was the distance, size and also bonafide nature of transaction before such judgments/awards are relied on for deciding the subsequent cases. It is not open to accepting determination in a mechanical manner without considering the merit. Such determination cannot be said to be binding. We have come across several decisions where the High Court is adopting the previous decisions as binding.*

*It is not proper to ignore the evidence adduced in the case at hand. The compensation cannot be determined by blindly following the previous award/judgment. It has to be considered only a piece of evidence not beyond that. Court has to apply the judicial mind and is supposed not to follow the previous awards without due consideration of the facts and circumstances and evidence adduced in the case in question.*

*15. The awards and judgment in the cases of others not being inter parties are not binding as precedents. Recently, we have seen the trend of the courts to follow them blindly probably under the misconception of the concept of equality and fair treatment. The courts are being swayed away and this approach in the absence of and similar nature and situation of land is causing more injustice and tantamount to giving equal treatment in the case of unequal's. As per situation of a village, nature of land its value differ from the distance to distance even two to three-kilometer distance may also make the material difference in value. Land abutting Highway may fetch higher value but not land situated in interior villages.*

*16. The previous awards/judgments are the only piece of evidence at par with comparative sale transactions. The similarity of the land covered by previous judgment/award is required to be proved like any other comparative exemplar. In case previous award/judgment is based on exemplar, which is not similar or acceptable, previous award/judgment of court cannot be said to*

*be binding. Such determination has to be out rightly rejected. In case some mistake has been done in awarding compensation, it cannot be followed on the ground of parity an illegality cannot be perpetuated. Such award/judgment would be wholly irrelevant."*

Further reliance is placed on the following judgments while opposing the claim of parity:

- 1. Special Land Acquisition Officer Vs. Lakhamsi Ghelabhai; AIR 1960 Bom 78***
- 2. Karan Singh & Ors. Vs. Union of India ; (1997) 8 SCC 186***
- 3. Union of India Vs. Ram Phool & Anr.; (2003) 10 SCC 167***
- 4. Ranvir Singh and Anr. Vs. Union of India; (2005) 12 SCC 59***
- 5. Vikrambhai Bhagabhai Patel Vs. Dy. Gen. Manager, ONGC; 2021 (20) SCC 574***
- 6. Ramrao Shankar Tapase Vs. Maharashtra Industrial Development Corporation and Others ; (2022) 7 SCC 563***
- 7. State of M.P. Vs. Radheshyam and Ors.; 2023 (17) SCC 528***

31. We have considered the submissions canvassed by the learned advocates for the respective parties.

32. In view of the above, the points that arise for consideration are:

- A. Whether the claimants are entitled to the enhanced amount of compensation at the rate of Rs. 60/- per sq. ft. as granted in parity Judgment ?
- B. Whether the claimants prove that they are entitled for enhancement of compensation for trees, well and structures?

33. For the sake of convenience, the details as to the date of Section 4 notification, date of award, rate awarded by the SLAO, date of Reference Court judgment, rate awarded by the Reference Court, interest awarded by the Reference Court, survey numbers of acquired lands, compensation awarded for acquired trees/structures in respect of the acquired lands falling under the judgment and order of this court dated 16.09.2019 and the present appeals, are given in tabular format as under:

#### IN PARITY JUDGMENT:

| Group | Date of Section 4 Notification | Date of Award by SLAO | Rate of Compensation awarded by SLAO (Per Hectare)                         | Date of Reference Court Judgment | Rate of Compensation awarded by Reference Court (Per Square Foot) | Interest granted U/Sec. 28 of L.A. Act                  | Survey Nos.        | Rate of Compensation awarded by this Court                                                                                      | The appeals preferred by the acquiring body and State were partly allowed by modifying the award to the extent of granting interest U/Sec. 28 of the L.A. Act from the date of award instead of, from the date of publication of Section 4 notification. |
|-------|--------------------------------|-----------------------|----------------------------------------------------------------------------|----------------------------------|-------------------------------------------------------------------|---------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I     | 11.02.2007                     | 05.02.2008            | Rs. 3,74,000/-                                                             | 30.12.2014                       | Rs. 100/-                                                         | From the date of publication of Section 4 notification. | 257, 274, 275, 202 | Rs. 75/- per sq. ft. for non-agricultural use permission lands and Rs. 60/- per sq. ft. for lands other than NA use permission. |                                                                                                                                                                                                                                                          |
| II    | 07.07.2006                     | 06.05.2008            | Rs. 7,40,000/- for NA purpose use lands and Rs. 3,80,000/- for other lands | 31.12.2014                       | Rs. 115/- And Rs. 100/-                                           | From the date of publication of Section 4 notification. | 241, 242, 245, 246 |                                                                                                                                 |                                                                                                                                                                                                                                                          |
| III   | 11.02.2007                     | 05.02.2008            | Rs. 8,00,000/-                                                             | 20.01.2011                       | Rs. 21/-                                                          | From the date of publication of Section 4 notification. | 257, 274, 275, 202 |                                                                                                                                 |                                                                                                                                                                                                                                                          |

**IN PRESENT FIRST APPEALS:**

| Group | Date of Section 4 Notification | Date of Award | Rate awarded by SLAO (Per Hectare) | Date of Reference Court Judgment | Rate awarded by Reference Court (Per Hectare) | Interest granted U/Sec. 28 of L.A. Act                  | Survey Nos.              | Compensation in respect of acquired trees                                                                                                                                                |
|-------|--------------------------------|---------------|------------------------------------|----------------------------------|-----------------------------------------------|---------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I     | 03.10.2004                     | 16.10.2006    | Rs.3,28,000/-                      | 21.03.2012                       | Rs.16,39,000/-                                | From the date of publication of Section 4 notification. | 252,253,255, 256,260     | The claimants are awarded compensation at the rate of 50 % more than the compensation awarded by the SLAO for fruit bearing trees, trees and forest trees standing in the acquired land. |
| II    | 07.07.2006                     | 11.10.2007    | Rs.3,74,000/-                      | 09.02.2012                       | Rs.13,00,000/-                                | From the date of publication of Section 4 notification. | 240                      | For want of evidence, no enhancement/additional amount is awarded to the claimants in respect of acquired trees.                                                                         |
| III   | 25.02.2006                     | 31.01.2007    | Rs.3,74,000/-                      | 11.10.2010                       | Rs.13,00,000/-                                | From the date of publication of Section 4 notification. | 246,247,249, 250,251     | For want of evidence, no enhancement/additional amount is awarded to the claimants in respect of acquired trees.                                                                         |
| IV    | 07.07.2006                     | 12.03.2008    | Rs.3,74,000/-                      | 02.02.2011                       | Rs.13,00,000/-                                | From the date of publication of Section 4 notification. | 223                      | For want of evidence, no enhancement/additional amount is awarded to the claimants in respect of acquired trees.                                                                         |
| V     | 03.12.2005                     | 28.05.2008    | Rs.3,60,000/-                      | 16.12.2011                       | Rs.13,00,000/-                                | From the date of publication of Section 4 notification. | 237,238,250, 269,270,271 | For want of evidence, no enhancement/additional amount is awarded to the claimants in respect of acquired trees.                                                                         |

**WITNESSES EXAMINED IN PARITY JUDGMENT:**

| NAMES OF WITNESSES                | EXHIBIT | EXHIBIT | EXHIBIT |
|-----------------------------------|---------|---------|---------|
| Kiran Hiware - Claimant           | 14      | --      | --      |
| Anil Bodke - Claimant             | --      | 16      | --      |
| Bharatkumar Reddy – Claimant      | --      | --      | 20      |
| Anil Phulari - Valuer             | 64      | 408     | 24      |
| N. G. Patil - Tree Valuer         | 69      | --      | --      |
| Dr. Pradeep Marvale – SLAO        | 72      | 414     | --      |
| Vijay Kumar Patil - Ex. Engineer, | 75      | 416     | --      |
| Laxman Paikrao - TILR             | 80      | 421     | --      |
| Bharatsing Thakur - Tax Inspector | 82      | 424     | --      |

**WITNESSES EXAMINED IN PRESENT FIRST APPEALS:**

| Particulars                                                                                           | Group I<br>21.03.2012                            | Group II<br>09.02.2012                    | Group III<br>11.10.2010                              | Group IV<br>02.02.2011                       | Group V<br>16.12.2011                         |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------|-------------------------------------------|------------------------------------------------------|----------------------------------------------|-----------------------------------------------|
| Name of Witnesses                                                                                     | Exhibit No.                                      | Exhibit No.                               | Exhibit No.                                          | Exhibit No.                                  | Exhibit No.                                   |
| Claimant                                                                                              | Nagorao Digambar<br>Kandharkar<br><br>Exhibit 20 | Suryakant Ramlu<br>Ayya<br><br>Exhibit 12 | Habib Ajhar s/o<br>Habib Isa Chaus<br><br>Exhibit 11 | Manmath Narayan<br>Shetkar<br><br>Exhibit 19 | Samb Trimbakappa<br>Mahajan<br><br>Exhibit 12 |
| Nandkumar Ganpatrao<br>Patil<br><br>(Agricultural/<br>Horticulture Valuer)                            | ---                                              | ---                                       | Exhibit 30                                           | Exhibit 65                                   | ---                                           |
| Anil Vaijanath Phulari<br><br>Structural Valuer                                                       | ---                                              | ---                                       | ---                                                  | Exhibit 56                                   | ---                                           |
| Shivraj Baburao Irphale<br><br>(To establish market<br>value of acquired land)                        | Exhibit 24                                       | ---                                       | ---                                                  | ---                                          | ---                                           |
| Keshav Ramrao Pawar<br><br>(Agricultural/<br>Horticulture Valuer)<br>(Private Valuer)                 | Exhibit 21                                       | ---                                       | ---                                                  | ---                                          | ---                                           |
| Part plan of sanctioned<br>development plan of<br>Ahmedpur (extended<br>area)<br><br>SS.N. 237 to 271 | Exhibit 42                                       | Exhibit 44                                | ---                                                  | ---                                          | Exhibit 87                                    |
| Village Map                                                                                           | ---                                              | Exhibit 32                                | ---                                                  | ---                                          | Exhibit 89                                    |

**SALE DEEDS CONSIDERED IN PARITY JUDGMENT:**

| Dates of Sale Deeds | Sy. No. | Area        | Consideration | Rate per sq.<br>foot Approx. | EXHIBIT<br>Group I | EXHIBIT<br>Group II | EXHIBIT<br>Group |
|---------------------|---------|-------------|---------------|------------------------------|--------------------|---------------------|------------------|
| 02.08.2000          | 86      | 181.25 S.M. | 3,78,000      | 193/-                        | 48                 | 32                  |                  |
| 10.02.2004          | 88/1/1  | 63 R.       | 54,32,000     | 80/-                         | 19                 |                     | 18               |
| 24.05.2004          | 86/1    | 150 S.M.    | 4,00,000      | 247/-                        | 49                 | 33                  |                  |
| 29.06.2005          | 2/5     | 440 S.F.    | 1,00,000      | 227/-                        | 21                 | 34                  |                  |

|            |           |          |           |       |    |    |    |
|------------|-----------|----------|-----------|-------|----|----|----|
| 06.07.2005 | 2/2/3     | 300 S.M. | 3,32,000  | 129/- | 51 | 36 |    |
| 22.08.2005 | 2/2/3     | 90 S.M.  | 1,25,000  | 150/- | 50 | 37 |    |
| 01.12.2005 | 2/7       | 800 S.F. | 1,20,000  | 150/- | 20 | 35 |    |
| 15.04.2004 | 88/1 88/2 | 48 R.    | 47,60,000 | 92/-  |    |    | 19 |

### SALE DEEDS RELIED ON IN PRESENT FIRST APPEALS:

| Dates of Sale Deeds | Sy. No.               | Area | EXHIBIT Group I | EXHIBIT Group II | EXHIBIT Group III | EXHIBIT Group IV | EXHIBIT Group V |
|---------------------|-----------------------|------|-----------------|------------------|-------------------|------------------|-----------------|
| 10.02.2004          | 88/1<br>Hissa No. 1/1 | 63 R | 13              | 33               | 17                | 15               | 72              |
| 29.03.2004          | 88/1 (88/1/2)         | 22 R |                 | 34               |                   |                  | 73              |
| 15.04.2004          | 88/1 (88/1/2)         | 48 R | 14              | 35               | 16                | 14               | 74              |
| 23.07.2004          | 88/1<br>Hissa No. 2   | 10 R |                 | 36               |                   |                  | 75              |

34. Here, it will be apposite to refer to some of the judgments wherein, the Court has granted compensation on the basis of parity.

In the case of *Bhim Singh & Ors. Vs. State of Haryana & Ors.*, reported in *AIR 2003 SC 4382*, the Hon'ble Supreme Court has held that, "when compensation has already been fixed by the High Court in earlier proceedings and when in one such proceedings this Court has already approved the rate fixed, then, in our view the best method would be to look at the earlier judgment and awards. Therefore, the High Court cannot be faulted for having fixed compensation on the basis of earlier judgments."

In the case of *Bayaji Taty Kalunge Vs. State of Maharashtra*, reported in, **2007 (2) ALL MR 316**, this Court has held that when lands are acquired for the same purpose and are situated in the same village under same notification then the appellants are similarly situated to the other claimants who have been granted compensation at enhanced rates. Therefore, the appellants are also entitled for the same compensation.

In the case of *Salaha Begum & Ors. Vs. Special Land Acquisition Officer*, reported in, **2013 (11) SCC 426**, the lands were acquired by way of two different notifications but, for the same purpose. The sale deeds relied in both the cases were also the same. Therefore, the Hon'ble Supreme Court had held that, "Once the High Courts accepted the sale deeds dated 07.01.1993 as the touchstone for determination of the compensation payable for identically situated land, there could be no justification for awarding less compensation to the appellants."

In the case of *Ali Mohammad Beigh & Ors. Vs. State of J & K*, reported in, **AIR 2017 SC 1518**, it was observed that when acquired lands are more or less situated nearby, are identical and similar and the land is acquired for the same purpose, even if the acquired lands are situated in three different villages, it would be unfair to discriminate between the land owners and to pay less compensation than what is paid to the other similarly situated land owners was laid down.

In the case of *Ningappa Thotappa Angadi (Dead) through LRs Vs. Special Land Acquisition Officer & Ors.*, reported in *(2020) 19 SCC 599*, the Supreme Court reaffirmed the view in that when appellants are also similarly placed claimants, they are entitled to seek parity and claim the same amount of fair and compensation as has been awarded to the other land owners.

In the case of *Krishna Kumar Vs. State of Haryana & Ors.*, reported in *AIR 2025 SC 2468*, the Hon'ble Supreme Court has held that irrespective of whether the sale deeds relied upon by the claimants pertain to the same village as the acquired lands, the same set of exemplars must be applied uniformly across both villages and that, artificial boundaries created for administrative convenience cannot be allowed to obstruct the application of the fundamental principles of fairness.

35. As such, the exposition of law enunciated in the aforesaid authorities is squarely applicable in the present situation, wherein the legal position is well settled that where lands situated in the same village or nearby areas are acquired under same, prior, or contemporaneous notifications for the same purpose, the landholders who are similarly placed are entitled to the same rate of compensation.

36. The judgments relied upon by the respondents deal with aspects such as credibility of evidence, auction sale unreliability, small-plot comparability for large land compensation, public interest in fair compensation, and limits on parity claims and hence, these decisions have no application to the facts of the present case. Here, the claimants only seek parity with an earlier judgment of a coordinate Bench of this Court, relating to lands from the same village acquired for the same project.

In these circumstances, uniform valuation cannot be denied merely on the ground of minor variations in sale exemplars as, such denial would result in unjust discrimination. The precedents cited by the respondents, therefore, do not assist their case and cannot be used to defeat the claim of the petitioners.

37. With regard to the contention of learned advocate for respondents that the sale deeds relied upon by the claimants cannot be considered as those are of post section 4 notification date and that the sale transactions were entered into on the basis of prior knowledge of the acquisition proceedings which has resulted in higher price in sale deeds. After careful reading of section 4, it is clear that the last date for Section 4 publication is the date of giving public notice, while passing the award. Hence, on considering the provision and relevant dates, it is clear that the date of giving public notice/village publication i.e.

03.10.2004 is the last date and hence, the date of publication of section 4 notification in the present case. Also, on careful perusal of the material brought on record, it is found that the sale instances relied by the claimants are a result of tender process and not auction proceedings. The sale deeds are dated 10.02.2004 and 15.04.2004 i.e. before the date of publication of section 4 notification and hence, can be relied upon.

38. Thus, the judgments relied on by the advocates for the acquiring body in regard that, Sale Deeds executed post section 4 notification cannot be relied upon and that the element of competition in auction sales makes them unsafe guides for determining the market value are not applicable to the facts of the present case as, the sale deeds relied on in the present case pertain to the lands which were sold by way of tender process and not by auction process.

39. In the parity judgment, the Court has given the reasons for non-acceptance of sale deeds from survey nos. 86 & 88 and reasons for placing reliance for fixing the market price on the basis of sale deeds from survey no. 2 and has also discussed the parity grounds in paragraph nos.126 to 139 which are reproduced below:

*"126. Sale deeds produced and relied on by the claimants are in respect of lands survey No. 2, 86 and 88. Those are of plots in land within*

*municipal limits having non agriculture use permission. The lands under most of the sale deeds were allowed NA use since 1972 to 1986. Lands under sale deeds were better placed and were better developed. Said lands are forming hub of the city and are developed lands.*

127. *Lands Survey No. 86 and 88 and their sub divisions are very close to Ahmedpur-Latur road and are either very close to or are almost in gaothan. Land survey No. 2 is situated on northern side of Ahmedpur-Amajogai road. Map Exhibit-33 depicts that land survey No. 2 is abutting Ahmedpur gaothan and is very close to Latur - Nanded highway. Kalegaon road passes through land survey No. 2. Survey No. 2 is in closer proximity to acquired lands as compared to lands Survey No. 86 and 88.*
128. *In such a case, proper and safer way, as has been considered by the reference courts taking into account certain Supreme Court judgments, appears to be to arrive at market value of the acquired lands taking cue from the sale deeds of lands in closer proximity to the acquired lands.*
129. *From the distance point of view, land Survey No. 202 is closer to land Survey No.2. In the circumstances, sale deeds from survey No. 2 may serve as indicator and guide. But land survey No. 2 is not abutting or adjacent to any of acquired lands. Acquired land survey No. 202 which is comparatively closer to Survey No. 2 appears to be separated by quite some distance. Sale deeds from land Survey No. 2 are in respect of developed area.*
130. *Though latitude will have to be given to that some portions from the acquired lands were being used for non-agriculture purposes from quite a few years, yet those were not fully developed lands at the time of acquisition. No other acquired lands had NA permission nor is there any evidence about said lands being used for NA purpose. Despite NA permissions being granted to small portions from acquired lands from 1990 onwards up to 1998, no further non-*

*agricultural developments have come up in the adjoining areas of acquired lands. Not a single sale instance from the acquired lands is produced, either of past or for the period post 1998. This gives indication of that no developments worth the name were taking place and the rate of developments was extremely slow and tardy. Coupled with this there is no material produced in respect of developments over acquired lands or even over any adjoining lands.*

- 131. There is generally paucity of developmental facilities for areas at distance from mainland city. There is no evidence in respect of availability of developmental facilities for acquired lands which are at quite some distance from main town.*
- 132. This gives indication of that the rates at which lands plots were sold from survey No. 2 would not be fetched by acquired lands. Prices of acquired lands, though may be having NA potentiality, would be on downward side from those of lands in Survey No. 2. Rates of acquired lands would be not that of developed lands. Additionally, expenses over developments and betterment of the lands would have to be taken into account, as considered by the reference court. The rates would be considerably less than the developed lands in survey No. 2, with deductions for development etc.*
- 133. The special land acquisition officer had referred to in the evidence that in respect of, inter alia, non-agricultural lands, if sale transactions are in acres, land rates are determined on acreage and if transactions are on square foot basis, rate is determined are per square foot. Lands of claimants have non-agricultural potentiality, ready reckoner rates of acquired lands are contended to be 115/- 175/- and 350/- per square meter.*
- 134. It appears that reference to decision of the Supreme Court in the case of "Special Land Acquisition Officer BTDA, Bagalkot V/s Md.*

*Hanif” reported in 2002 (4) SBR 273, would be pertinent. In said case compensation given on per square foot basis has been endorsed by the Supreme Court as the lands were within the municipal limits, while special land acquisition officer had given rate on per Acre basis. In the present case, there is no serious dispute on that lands under acquisition are also from municipal limits. There appears to be substance in the contention of the claimants that evidence suggests, rates would have to be determined on per square foot basis as the lands borne NA potentiality. Thus, aforesaid judgment can be taken into account. Following said decision, it would not be improper to consider determination of market value of lands on square foot basis.*

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139. *Going by the decision in the matter “Bayaji Taty Kalunge V/s State of Maharashtra” reported in 2007 (2) ALL MR 316, it may not be improper as considered by reference court that if the lands are situated in same village, acquired for same project under same notification, in that case claimants are entitled to compensation at the same rate on the ground of parity. Since lands acquired are for the same project and are being acquired under notifications issued in close proximity, the reference court had considered that if the lands are acquired for same project under same notification, same rate can be awarded.*

40. Taking into consideration the parity judgment and the comparative charts, we find the following similarities in appeals under consideration :

- 1) Firstly, the lands are acquired for the purpose of the same project i.e., construction of Kalegaon Storage Tank.
- 2) Secondly, the Section 4 notifications are issued contemporaneously in the years 2004, 2005, 2006 in the present group of first appeals and in the year 2007 in the case of the judgment & order relied on.
- 3) Thirdly, the lands under acquisition in the present group of first appeals and those under acquisition in the case of the judgment relied on, are situated adjacent to each other, in the same vicinity and extremely in close proximity.
- 4) Fourthly, the evidence in the form of Sale Deeds relied upon by the claimants in the present group of first appeals also forms part of the evidence considered by this Court in the parity judgment.
- 5) Fifthly, the claimants have produced the map pointing out that the acquired lands are within the municipal limits of Ahmedpur City. The maps depict locations of lands including the lands under acquisition. The lands of the present claimants are situated in Survey Nos.237, 238, 250, 269, 270, 271, 240, 246, 247, 249, 250, 251, 223, 252, 253, 255, 256, 260 and the acquired lands in the parity judgment are situated in Survey Nos. 275, 202, 274, 241, 242, 245, 246, 256 and 257. It appears that

the lands are in proximity with each other and some survey numbers are also common. In the parity judgment it is mentioned that Survey Nos. 237 to 271 are in the Municipal Council Limits. This letter is not disputed by the State and the acquiring body. Claimants in the present group of first appeals have also produced a letter from the Municipal Council office stating that the Survey Nos. 237 to 271 fall within the Municipal Council Limits. Therefore, it is clear that the acquired lands of the present claimants in these groups of First Appeals are situated adjacent to and in the same Gat numbers as the acquired lands in parity judgment.

41. Applying the aforesaid conclusions, the claimants in the present group of appeals being similarly placed as the claimants in the parity judgment, they are entitled for parity in compensation as has been awarded in the parity Judgment.

In the parity judgment while fixing the rate, this Court has observed that :-

*"135. The price range of rates of sale deeds of Survey No. 2, for the year 2005 appears to be between ` 129/-, ` 150/-, ` 150/ and ` 227/- per square foot. Average rate for sale deeds of lands in Survey No. 2 would be ` 164/- per square foot. Survey No. 2 is, as referred to above, a developed area.*

136. *In the circumstances, rates determined by the reference court in lands references in group I and II appear to be far steeper in comparison to the rates of compensation granted to land Survey No. 202 in group III, which is closer in proximity to land Survey No.2.*
137. *As referred to above, no sale instances could be produced from the acquired lands or those from immediately surrounding. Distance of lands from highway and from the developments and goanthan gives indication of that developments, if any, were extremely tardy. No sales of lands from near areas either were taking place or were not being sold at rate demanded by claimants. This is indeed a pointer to that lands would not have fetched at all rates expected by claimants and would be considerably less than the lands in Survey No. 2. Coupled with the same, it would involve expenses over betterment and developments.*
138. *As such, we consider that reasonably, rate would have been less than half the average rate of developed area of Survey No. 2 and taking into account that expenses would have to be incurred for development and betterment of area, rates would be hovering around ` 60/- per square foot for non-agriculture use lands and about ` 50/- per square foot for other lands around 2005. With 10% increase per year, in 2007 the rate would have been approximately around ` 75/- per square foot for NA use lands and ` 60/- per square foot for other lands."*

42. Applying the same rate by adopting the same method, the rate is fixed as follows :-

- (i) In Group I, the date of Section 4 notification is 03.10.2004.

Applying 10% deduction, the rate of compensation for Group I is fixed at Rs.45/- per sq. ft.

- (ii) In Group V, the date of Section 4 notification is 03.12.2005. The rate of compensation for Group V is fixed at Rs.50/- per sq. ft.
- (iii) In Groups II, III and IV, the dates of Section 4 notification are 07.07.2006, 25.02.2006 and 07.07.2006, respectively. Applying 10% increase yearly, the rate of compensation for Groups II, III, IV is fixed at Rs.55/- per sq. ft.

43. In the parity judgment, the award is modified to the extent of granting interest from the date of award on the basis of full bench judgment in the case of ***State of Maharashtra Vs. Kailas Shiva Rangari*** reported in ***2016 (3) Mh.L.J. 457***. Those paragraphs from the parity judgment are reproduced below:

*"142. The courts have given along with rate of market value, benefit of 12% p.a. additional component under section 23 (1-A) and 30% solatium under section 23 (2) of the LA Act and interest from the date of notification under section 4, for the first year at the rate of 9% p.a. and for subsequent years at the rate of 15% p.a. till the date of payment to the claimants.*

*143. While the reference courts purport to grant interest on market value, additional component and solatium from the dates of notification under section 4 of the Act to the date of actual payment, this particular direction / order has been rendered unsustainable in view of declaration of law over this aspect by full bench of this court in the*

*decision on reference reported in 2016 (3) Mh.L.J. 457: MANU/MH/0557/2016, in the case of "State of Maharashtra V/s Kailas Shiva Rangari".*

- 144. In said judgment it has been clearly considered that interest under section 34 of the Act would start running from the date of possession only if possession is taken in exercise of powers under section 17 of said Act. It has been held that if possession of land under acquisition is taken under section 16 of the Act, then interest would be payable under section 34 from the date of passing of award under section 11 of the Act.*
- 145. In the present case, neither the parties have pleaded that possession been taken from the claimants was in exercise of powers under section 17 of the Act, nor it is their case that procedure thereunder had been followed before taking over the possession. So far as interest is concerned, the area would be governed by the full bench decision (supra).*
- 146. In the circumstances, direction / order of the reference courts to pay interest from the date of notification under section 4 of the Act appears to be incompatible with decision of full bench (supra) and that will have to be altered and brought in tune with said decision."*

44. In these appeals also, in Group Nos. I, II, III, IV, V, the interest is granted from the date of Section 4 Notification. In Group Nos. II and V, interest under Section 34 is awarded from the date of possession till the payment of compensation granted by the SLAO. In all these

appeals, statutory interest of 9% be granted for the first year from the date of passing of award and 15% till date of realisation of the payment. Similarly, the claimants will not be entitled to interest under section 34 as the claimants had not brought any evidence showing that the possession was taken by following procedure laid down under section 17 of the Land Acquisition Act, 1894 as observed in paragraph nos. 144 and 145 (supra). The point No. A is answered accordingly.

**As to Point No. B:-**

45. The land acquisition references challenged in the parity judgment were not having any fruit bearing trees. Hence, the point for consideration was not framed in that regard. However, in the present appeals, the compensation is granted to the fruit bearing trees, hence the additional point is framed.

46. In group No. I in First Appeal No. 1098/2018 arising out of L.A.R. No. 96/2011 and X-Objection No. 104/2023 in First Appeal No. 809/2014 arising out of L.A.R. No. 95/2011, valuer Keshav Ramrao Pawar was examined by claimant. While deciding the price of the trees, it was necessary for the valuer to mention height, condition, width and spread of trees. The valuation made should have been supported by the

market rates of fruits by Agriculture and Horticulture Department of Government of Maharashtra or Agricultural Produce Market Committee. But such an exercise is not carried out by the expert valuer. The valuer admitted that he did valuation on 24.10.2007 but prepared the report much later i.e. on 01.12.2007. Valuer has not mentioned in his report as to how much land is occupied by the trees so that it could have been deducted while giving the compensation for land.

He has not prepared any Panchanama while preparing the valuation report. After discussing the valuer's evidence, the Reference Court found that the price awarded by valuer is excessive and price awarded by the SLAO is meagre. After observing this, the Reference Court without there being any evidence has abruptly come to the conclusion that it will be appropriate to enhance the trees compensation by 50% of the price awarded by the SLAO. There is no reason given by the Reference Court to enhance the compensation awarded by the SLAO. The compensation is enhanced only on guess work without there being any cogent evidence. Hence, we are of the opinion that there cannot be any enhancement due to lack of evidence.

47. In group Nos. II and V, the reference Court has refused to enhance the compensation of trees, well and structures by holding that while passing the award, the SLAO has considered the valuation by the

District Superintendent Agricultural Officer and valuation done by the Executive Engineer, Latur. Whereas, in reference the claimant has not placed any valuation done by expert or placed any evidence regarding valuation of trees, well and structures, stone bund. Therefore, for want of evidence, the Reference Court has rightly refused to enhance the compensation granted by SLAO. No interference is called in the said observation made by the Reference Court.

48. In group III and IV, in First Appeal No.4216/2017 by claimant in L.A.R. No.889/2008, Valuer Nandkumar Ganpatrao Patil was examined but Reference Court has rightly refused to enhance the compensation of trees as there was long gap in preparation of valuation report and actual valuation carried on. Valuation was done on 07.07.2006 whereas report was prepared on 11.07.2010 that is almost after gap of 4 years. Valuer has not mentioned in his report what income the claimant was getting from the fruit bearing trees he had planted and from the trees which grew in his land naturally i.e. from the forest trees. Hence, for lack of evidence the Reference Court has rightly refused to enhance the compensation for trees by SLAO and no interference is called for in the said observations. The point No. B is answered accordingly.

49. The statutory interest is maintained as it is, as is granted in the parity judgment in paragraph nos.154 and 155, which are reproduced below:-

*"154. In view of forgoing discussion and reasons, it would be appropriate to consider that the acquired lands would have fetched market value of about Rs.75/- per square foot for NA use permitted lands and Rs.60/- per square foot for the other lands. The decision of the reference courts in respect of benefits of provisions of the Act, viz; section 23 (1-A), 23 (2) as referred to above, is not being disturbed. The date of notification in village being the last, as reckoned by reference court would be considered for calculations.*

*155. The direction under references or awards to pay interest from the date of notification under section 4 of the LA Act, stands altered and modified. Interest under provisions of the LA Act would be required to be paid from the date of passing of the award under section 11 of the LA Act, in tune with decision of full bench reported in 2016 (3) Mh.L.J. 457: MANU/MH/0557/2016. The authorities would be liable to pay interest @ 9% p.a. for one year from the date of award under section 11 on the components of compensation referred to under section 23, including 23 (1-A) and 23 (2) of the Act and @ 15% p.a. subsequent to one year from the date of award under section 11 till actual payment."*

50. In the result, we pass the following order :-

### **ORDER**

- (i) Appeals by claimants are partly allowed.
- (ii) X-Objections by the claimants are partly allowed.
- (iii) Appeals by acquiring body are partly allowed.

(iv) Judgments and Awards of the Reference Court challenged in all the groups stand altered and modified as under :-

(a) Compensation be paid to claimants for their lands @ Rs.45/- per sq. ft. in Group I, Rs.50/- per sq. ft. in Group V and Rs.55/- per sq. ft. in Group II, III and IV.

(b) Claimants be paid, in addition to aforesaid, an amount calculated at the rate of 12% p.a. for the period commencing from date of section 4 notification in respect of their acquired lands to the date of award by Collector as provided under section 23(1-A) of the LA Act.

(c) Claimants would also be paid solatium pursuant to section 23(2) of the LA Act.

(d) Interest be paid on the compensation in accordance with full bench judgment *viz; 2016(3) Mh.L.J. 457: MANU/MH/0557/2016, in the case of 'State of Maharashtra Vs. Kailas Shiva Rangari'* from the date of award @ 9% p.a. for first year and @ 15% p.a. for subsequent years till payment of amount.

(e) It is made clear that the claimants shall not be entitled for the amount of interest for the period of delay caused in filing the first appeals **and cross objections**, which are condoned by this Court, on the said condition.

(f) The award amount was deposited by the acquiring body either in the High Court or in the Trial Court and the claimants were permitted to withdraw the said amount. The claimants will be entitled to withdraw the remaining amount along with accrued interest.

(g) Acquiring Body shall deposit the amount of compensation within six (6) months from the date of uploading of this order.

- (h) Bank Guarantee, if any, furnished by the Claimants stands revoked.
- (i) The claimants are required to pay the deficit court fees, if any, on the enhanced amount of compensation. If the deficit court fee is not paid by the claimants/X-objectors, then the same shall be recovered/deducted from the enhanced compensation amount.
- (vii) All Appeals and X-Objections are disposed of accordingly.
- (viii) Pending Civil Applications, if any, stand disposed of.

[VAISHALI PATIL – JADHAV, J.]

[NITIN B. SURYAWANSHI, J.]

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