



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 609 OF 2026

Vinayak Ram Gugalgawe Died Through Lrs Smt. Laxmi W/o. Vinayak
Gugalae And Anr.

VERSUS

The State Of Maharashtra And Others

WITH FIRST APPEAL NO. 605 OF 2026

Ashok Vithoba Kamble

VERSUS

The State Of Maharashtra And Others

WITH FIRST APPEAL NO. 607 OF 2026

Waman Madhaveo Dasmane, L.rs. Madubai And Others

VERSUS

The State Of Maharashtra And Others

WITH FIRST APPEAL NO. 608 OF 2026

Vithoba Sadu Kamble, L.rs. Dattu Nilkanth Died Through Lrs Shobhabai And
Others.

VERSUS

The State Of Maharashtra And Others

WITH FIRST APPEAL NO. 604 OF 2026

Narsing Mahadeo Deore

VERSUS

The State Of Maharashtra And Others

WITH FIRST APPEAL NO. 606 OF 2026

Madhavi Babu Kamble

VERSUS

The State Of Maharashtra And Others

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Mr. V. V. Ingale, Advocate for Appellants

Mr. S. N. Morampalle, AGP for Respondents

CORAM : SHAILESH P BRAHME, J
DATE : MARCH 04, 2026

PC :

1. Heard learned Counsels for both sides. Appeals are taken up for final disposal with consent of parties.
2. Appellants are challenging common judgment and award dated 28.08.2008 passed by Reference Court granting compensation at the rate of Rs.4 per sq.ft.
3. Mr. Ingale, learned Counsel for the Appellants, has placed on record a compilation of judgment rendered in LAR No. 994/2009, LAR No. 329/2016, letters of acquiescing, compensation awarded by Reference Court in collateral proceedings and order dated 16.12.2025 passed in First Appeal No. 2539/2021. It is submitted by learned Counsel for Appellants that they are also entitled to receive rate of Rs.20 per sq.ft on the ground of parity.
4. The submissions are contested by Respondents. Learned AGP submits that there is no similarity of the lands and ground of parity is not attracted. It is further submitted that Appellants have failed to make out any case for enhancement and their appeals are liable to be dismissed.
5. The lands are being acquired for rehabilitation of earthquake

affected persons at Salegaon, Tq. Umarga, Dist. Osmanabad. The lands are from village Kaldeo Limbala. They stood acquired by notification dated 24.02.1994. The rate offered by SLAO was Rs.20,000/- per hector, which is enhanced by the Reference Court to the tune of Rs.4 per sq. ft.

6. The material particulars of the Appeals are as follows:

Sr. No	F.A. No.	Name	Lar No. & Date of Judgment	Gat No area adm.	Notification U/s 4	Award U/s 11	Compensation granted by SLAO	Compensation granted by Reference Court
01	FA 609/2026	Vinayak Guglgawe (Died) Through Lrs	LAR 430/2005 Dt. 28.08.2008	388 01H80R	24.02.1994	04.07.1996	Rs.20,000 per Hector	Rs.4/- per Sq Feet
02	FA 605/2026	Ashok Kamble	LAR 462/2005 Dt. 28.08.2008	387 01H33R	24.02.1994	04.07.1996	Rs.20,000 per Hector	Rs.4/- per Sq Feet
03	FA 606/2026	Mahadevi Kamble	LAR 325/2005 Dt. 28.08.2008	387 01H08R	24.02.1994	04.07.1996	Rs.20,000 per Hector	Rs.4/- per Sq Feet
04	FA 607/2026	Waman Dasmane (Died) Through Lrs	LAR 431/2005 Dt. 28.08.2008	397 01H45R	24.02.1994	04.07.1996	Rs.20,000 per Hector	Rs.4/- per Sq Feet
05	FA 608/2026	Vithoba Kamble (Died) Through Lrs	LAR 443/2005 Dt. 28.08.2008	386 00H48R & 384 01H62R	24.02.1994	04.07.1996	Rs.20,000 per Hector	Rs.4/- per Sq Feet
06	FA 604/2026	Narsing Deore	LAR 429/2005 Dt. 28.08.2008	389 01H62R	24.02.1994	04.07.1996	Rs.20,000 per Hector	Rs.4/- per Sq Feet

7. My attention is adverted by Learned Counsel to the judgments rendered by Reference Court in LAR No. 994/2009 as well as judgment

dated 01.01.2021 in LAR No. 329/2016. The lands in both matters were acquired for same purpose and Reference Court fixed the rate to the tune of Rs.20 per sq.ft. Interestingly, in both matters Respondent Acquiring Body acquiesced with the compensation awarded by the Reference Court, which is evident from the letter dated 09.01.2019 and 09.08.2021.

8. This Court had occasion to adopt the rate fixed by the Reference Court in LAR No. 994/2019 in First Appeal No. 2539/2021. I find that Appeals are squarely covered by the view taken by this Court and the rate fixed by the Reference Court in collateral proceedings.

9. This Court has to be consistent in fixing the rate and if the submissions of learned AGP are accepted, that would amount to discrimination. It is desirable to allow the First Appeals. Hence, I pass the following order:

ORDER

- (a) First Appeals are partly allowed.
- (b) Appellants shall be entitled to get receive rate at Rs.20/- per sq.ft.
- (c) Appellants shall not be entitled to receive interest or statutory benefits for the delayed period.
- (d) Appellants shall be entitled to receive interest under Sections 28 and 34 of the Land Acquisition Act as per the judgment of Full Bench in case of ***State of Maharashtra vs. Kailash Shiva Rangari*** [2016 AIR (Bom.) 141]

- (e) Save and except above, impugned judgment and award shall remain unaltered.
- (f) Record and proceeding be sent back to the concerned Court and award be drawn accordingly.
- (g) The Appellants shall pay the deficit court fees.

(SHAILESH P. BRAHME, J.)

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