



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

**41 FIRST APPEAL NO. 1541 OF 2025
WITH
CIVIL APPLICATION NO. 692 OF 2026
IN FA/1541/2025
WITH
CIVIL APPLICATION NO. 1782 OF 2017
IN FA/1541/2025**

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT, OMERGA AND
ANOTHER
VERSUS
ANNAPURNABAI MAHADEV ZURALE THR HIS LRS SIDHAPPA MAHADEV
ZURALE AND OTHERS

...
Advocate for Acquiring Body : Mr. G.B. Rajale
AGP for State : Mr. S.V. Hange
Advocate for Claimants : Mr. Omprakash V. Waghmare h/f Mr. G.J. Kore

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**WITH
FIRST APPEAL NO. 2744 OF 2024
WITH
CIVIL APPLICATION NO. 1780 OF 2017
IN FA/2744/2024**

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT, OMERGA AND
ANOTHER
VERSUS
SIDHAPPA MAHADEO ZURALE

...
Advocate for Acquiring Body : Mr. G.B. Rajale
AGP for State : Mr. S.V. Hange
Advocate for Claimant : Mr. Omprakash V. Waghmare h/f Mr. G.J. Kore

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**WITH
FIRST APPEAL NO. 1540 OF 2025
WITH
CIVIL APPLICATION NO. 1784 OF 2017 IN FA/1540/2025**

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT, OMERGA AND
ANOTHER
VERSUS
KHANDU SHARNAPPA ZURALE

...
Advocate for Appellant/Acquiring Body : Mr. G.B. Rajale
AGP for Respondent/State : Mr. S.V. Hange
Advocate for Claimant : Mr. Omprakash V. Waghmare h/f Mr. G.J. Kore

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WITH

FIRST APPEAL NO. 1538 OF 2025

WITH

CIVIL APPLICATION NO. 1778/2017 IN FA 1538/2025

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT, OMERGA AND
ANOTHER

VERSUS

REVAN NILAPPA JAGADALE

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Advocate for Acquiring Body : Mr. G.B. Rajale

AGP for Respondent/State : Mr. S.V. Hange

Advocate for Claimants : Mr. Omprakash V. Waghmare h/f Mr.G.J. Kore

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WITH

FIRST APPEAL NO. 1539 OF 2025

WITH

CIVIL APPLICATION NO. 1786/2017 IN FA/1539/2025

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT, OMERGA AND
ANOTHER

VERSUS

PRAKASH NILAPPA JAGADALE

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Advocate for Acquiring Body : Mr. G.B. Rajale

AGP for State : Mr. S.V. Hange

Advocate for Claimants: Mr. Omprakash V. Waghmare h/f Mr. G.J. Kore

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WITH

FIRST APPEAL NO. 1542 OF 2025

WITH

CIVIL APPLICATION NO. 1776/2017 IN FA 1542/2025

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT, OMERGA AND
ANOTHER

VERSUS

NAGAPPA CHANAPPA LAMJANE DEAD THR HIS LRS CHAYABAI NAGAPPA
LAMJANE AND OTHERS

....

Advocate for Acquiring Body : Mr. G.B. Rajale

AGP for Respondent/State : Mr. S.V. Hange

Advocate for Claimants : Mr. Omprakash V. Waghmare h/f Mr.G.J. Kore

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CORAM : SHAILESH P BRAHME, J.

DATE : 22.01.2026

PER COURT :

First Appeal nos. 2744/ 2024, 1540/2025, 1538/2025, 1539/ 2025 and 1542/2025 are not on board. Taken on board, on mentioning.

2. Taken up for final disposal, with the consent of the parties.

3. The appellants are challenging judgment and award passed by the reference Court granting enhancement to Rs. 85106/- per Acre from Rs. 34000/- per Hectare. It is fairly submitted by learned counsel appearing for the appellant-Acquiring Body that by common judgment and award dated 17.07.2015 in FAST No. 18627/2015, the coordinate bench dismissed the appeals confirming the enhancement granted by the Reference Court to the tune of Rs. 85,106/- per acre. It is submitted that the relief of rental compensation is impermissible to be granted in the present proceedings and the interest has not been granted as per law laid down in the matter of **State of Maharashtra Vs. Kailas Shiva Rangari reported in 2016(4) All MR 513.**

5. The learned counsel for the respondent would support the impugned judgment and award. He would submit that once the coordinate bench has taken a view by a reasoned order, again it is not permissible for this Court to upset the consistent view.

6. The acquisition in question pertains to Supatgaon Storage Tank. The reliance on the sale instance in the present appeals as well as in the cited judgment, is sale instance of Gat No. 330 dated 21.1.2000. If on the basis of the self-same sale instance this Court arrived at rate of Rs. 85,106/- per Acre then there is no alternative than to accept the same rate. This Court will have to be consistent. The present appeals are squarely covered by the

common judgment and award passed on 17.07.2015.

7 The appellants shall not be entitled to rental compensation and they will have to take out independent proceeding to avail the remedy as permissible in law. No relief in the present statutory proceedings can be awarded to them. It would be relevant to refer to judgment of the Supreme Court in the matter of **State of Maharashtra Vs. Maimuma Banu; (2003)7 SCC 448**, for holding that it is not permissible to grant relief of rental compensation. The operative part clause Nos. 10 and 11 need to be quashed. The interest under Section 28 and 34 of the Land Acquisition Act would be payable as per the law laid down in the matter of **Kailas Shiva Rangari (supra)**, which is settled law. I therefore, pass following order.

ORDER

- (i) The First Appeals are allowed partly.
- (ii) The respondents-claimants shall be entitled to interest under Section 28 and 34 as per law laid down in the matter of **State of Maharashtra Vs. Kailas Shiva Rangari reported in 2016(4) All MR 513**.
- (iii) Operative part of clause nos. 10 and 11 of the impugned judgment and award shall stand quashed.
- (iv) The respondents-claimants shall be entitled to have rental compensation by resorting to remedy as permissible in law.
- (v) Save and except the above modifications, remaining judgment and award under question shall stand confirmed.
- (vi) The respondents-claimants shall be entitled to

receive the balance amount after recalculating the interest as above.

(viii) Award be drawn accordingly

(ix) Pending Civil Applications are disposed of.

(SHAILESH P. BRAHME, J.)

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