



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

FIRST APPEAL NO. 1399 OF 2025

The Executive Engineer, Medium
Project K.K.V.M. Division at
Osmanabad

.. Appellant

Versus

Sitaram Mahadu Mane
Since deceased through his L.Rs.
Jagannath Sitaram Mane

.. Respondents

Shri Gulab B. Rajale, Advocate for the Appellant.

Ms. Manisha S. Dalave, Advocate for the Respondent No. 1A
through V.C.

Shri Annasaheb R. Barate for the Respondent Nos. 2.1 to 2.3 & 4.
Shri S. V. Hange, A.G.P. for Respondent Nos. 7 and 8.

WITH

FIRST APPEAL NO. 1396 OF 2025

The Executive Engineer, Medium
Project K.K.V.M. Division at
Osmanabad

.. Appellant

Versus

Vithoba Mahadu Mane
Since deceased through his L.Rs.
Smt. Bhamabai Mane since deceased
through her L.Rs. Bibhishan died
through L.Rs. Tulsabai Bibishan Mane

.. Respondents

Shri Gulab B. Rajale, Advocate for the Appellant.

Shri Annasaheb R. Barate, Advocate for the Respondent Nos. 2.1
to 2.3 & 4.

Shri S. V. Hange, A.G.P. for Respondent Nos. 6 and 7.

**WITH
FIRST APPEAL NO. 1394 OF 2025**

The Executive Engineer, Medium
Project K.K.V.M. Division at
Osmanabad

.. Appellant

Versus

Sadashiv Narayan Mule

.. Respondents

Shri Gulab B. Rajale, Advocate for the Appellant.

Shri V. V. Ingale, Advocate h/f Shri Estling S. Murge, Advocate
for the Respondent No. 1.

Shri S. V. Hange, A.G.P. for Respondent Nos. 2 and 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 12TH FEBRUARY, 2026.**

FINAL ORDER :

. Heard both sides finally.

2. The acquiring body is challenging common judgment and award dated 03.03.2022 passed in different land acquisition references. The Special Land Acquisition Officer awarded rate of Rs. 37,000/- per hectare, which is enhanced by the Reference Court to Rs. 76,000/- per acre (Rs. 1,90,000/- per hectare). In this backdrop learned counsel for the acquiring body submits that the enhancement is exorbitant and arbitrary. It is further submitted that the additional component U/Sec. 23(1A) of the Land Acquisition Act (for the sake of brevity and convenience

hereinafter referred as to the “L. A. Act”) has been granted. It is further submitted that reliance on the decision rendered in earlier references is uncalled for. The impugned judgment is perverse because claimants were unable to make out a case for enhancement.

3. Per contra, learned counsels appearing for the private parties – claimants support impugned award. It is submitted that the possession was taken on 27.05.1997. Award was passed on 28.03.2005 and they were unable to utilize the land during the period for which they are entitled for rental compensation. It is further submitted that the Reference Court has relied upon the rates awarded in L. A. R. No. 1151 of 2015 and L. A. R. No. 1152 of 2015, which is appropriate.

4. I have considered rival submissions of the parties. Notification U/Sec. 4 of the L. A. Act was issued on 04.02.1998. Award was passed on 28.03.2005. The possession was taken over from the claimant on 27.05.1997. There is huge time gap between handing over possession and passing of the award. The respondents – claimants are entitled to rental compensation during this period as per the policies floated by the State Government. It would be open for them to take recourse to the appropriate proceedings for the rental compensation.

5. Impugned judgment shows that while placing reliance on the judgment rendered in L. A. R. No. 1151 of 2015 and L. A. R.

No. 1152 of 2015 comparable assessment has been made. Those acquisition proceedings are arising out of common award and for the same project. It has not been pointed out that the judgments in those matters suffered any modification by the higher forum. The rate fixed by the Reference Court to the tune of Rs. 76,000/- per hectare is adequate and appropriate and no interference is called for. I find that no case is made out to cause any interference in the exercise undertaken by the Reference Court.

6. The objection in respect of interest of 12% U/Sec. 23(1A) of the L. A. Act is concerned, a useful reference can be made to the common judgment dated 16.08.2024 passed by the Coordinate Bench of this Court in First Appeal No. 1543 of 2023 in the matter of The M.K.V.D.C. through Executive Engineer, Sina Kolegaon Project Paranda and others Vs. Bhagwan Gangaram Kolekar with other connected matters. It has been reiterated in para No. 15 of the judgment that starting point for granting interest at the rate of 12% U/Sec. 23(1A) of the L. A. Act would be from the date of notification till the award, which is consistent view. I find no merit in the objection raised by the learned counsel for the acquiring body.

7. For the reasons stated above, I find no merit in the first appeals. First appeals are dismissed. However, it is made clear that the respondents – claimants are at liberty to take recourse to appropriate remedy for the benefit of rental compensation.

8. Amount deposited by the appellant – acquiring body in this Court shall be disbursed to the respondents – claimants with accrued interest as per their share and entitlement. Record and proceedings shall be sent back.

[SHAILESH P. BRAHME J.]

bsb/Feb. 26