



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

21 FIRST APPEAL NO. 1199 OF 2025

Nur Sajan Shaikh and others .. Appellants

Versus

The State of Maharashtra Through
The Collector, Latur and another .. Respondents

Shri Shrikant J. Sonkawade, Advocate for the Appellants.
Shri N. D. Raje, A.G.P. for the Respondent No. 1.
The Respondent No. 2 is served.

AND

22 FIRST APPEAL NO. 1605 OF 2025

Vitthal Laxman Khaje and others .. Appellants

Versus

The State of Maharashtra Through
The Collector, Latur and another .. Respondents

Shri Shrikant J. Sonkawade, Advocate for the Appellants.
Shri S. V. Hange, A.G.P. for the Respondent No. 1.
The Respondent No. 2 is served.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 06TH FEBRUARY, 2026.**

FINAL ORDER :

- . Heard both sides finally with their consent.
2. Appellants, who are original claimants, are challenging

common judgment and award dated 17.10.2022 passed by the Reference Court in L. A. R. No. 37 of 2004 and L. A. R. No. 38 of 2004. Their lands from village Anandwadi, Tq. Ausa, Dist. Latur were acquired for construction of percolation tank. The Special Land Acquisition Officer offered rate of Rs. 21,500/- per hectare. By the impugned judgment Reference Court dismissed the references and the rate is confirmed.

3. Learned counsel for the appellants submits that in similarly situated matters arising from village Shivni (Lakh), Tq. Ausa, the Reference Court enhanced the rate from Rs. 35,000/- per hectare to Rs. 2,426/- per R in L. A.R. No. 481 of 2011 in the case of Balaji Ramrao Kshirsagar and other connected references. It has been acquiesced by the acquiring body. On the ground of parity the self same rate is claimed by the appellants. It is further submitted that the sale instance dated 05.11.1998 in the present matter and in the case of Balaji Ramrao Kshirsagar is common. It is further submitted that the Reference Court committed patent illegality in dismissing the references, which is discriminatory also.

4. Per contra, learned Assistant Government Pleader for the respondents would vehemently oppose the ground of parity. It is submitted that the appellants did not bring to the notice of the Reference Court judgment dated 28.11.2016 passed in the matter of Balaji Ramrao Kshirsagar. It is submitted that no material is placed on record regarding similarity of the lands acquired in the

present matter as well as in the matter of Balaji Kshirsagar from village Shivani (Lakh). It is submitted that the Reference Court is justified in rejecting the sale instances. It is further contended that sale transactions were available from village Anandwadi, which were not produced. The conduct of the appellants is stated to be objectionable and no benefit can be given to them on the ground of parity.

5. I have considered rival submissions of the parties. The lands from village Anandwadi, Tq. Ausa are acquired vide notification dated 07.04.1994 issued U/Sec. 4 of the Land Acquisition Act (for the sake of brevity and convenience hereinafter referred as to the "L. A. Act"). When the impugned judgment was passed, judgment dated 28.11.2016 passed in L. A. R. No. 481 of 2011, that of Balaji Ramrao Kshirsagar was quite available and should have been placed on record. Appellants, rather relied on the rate fixed by the Reference Court in L. A. R. No. 189 of 2016 to the tune of Rs. 4,536/- per R. The Reference Court elaborately discussed that how the sale instance dated 05.11.1998 is not comparable in discarding the same. Similarly the rate fixed in L. A. R. No. 189 of 2016 has also been discarded.

6. It transpires from record that the distance between Anandwadi and Lamjana is about 10 to 15 K.M. The distance between Anandwadi and Shivani (Lakh) is also around 10 to 15 K.M. Though the appellants should have brought evidence on record regarding similarity of the lands from village Lamjana,

Shivani (Lakh) and Anandwadi, solely on that ground the references should not have been rejected. It cannot be overlooked that in L.A.R. No. 481 of 2011 enhancement is granted by the Reference Court and the rate of Rs. 2,426/- per R has been acquiesced, which is evident from letter dated 01.12.2023.

7. In case of Balaji Khsirsagar in L. A. R. No. 481 of 2011, six minus factors were considered by the Reference Court and deduction to the tune of 62.5% was arrived at to work out the rate to the extent of 2,426/- per R (Rs. 97,040/- per acre). The land in that case was acquired from village Shivani (Lakh). The common sale exemplar is from Lamjana. In the present matters also, I am of the considered view that deduction to the extent of 62.5% are required to be made for arriving at a rate.

8. I find substance in the submissions of the learned A. G. P. that the judgment in the matter of Balaji Kshirsagar was decided before more than four years. Appellants should have brought on record the sale instance from self same village Anandwadi. The conduct of the appellants is deprecated. But for that purpose it would be too harsh to deprive them from any enhancement. Equities can be balanced if further deduction of 12.5% are made to the rate of Rs. 2,426/- per R, which works out to be Rs. 2,123/-. Considering overall circumstances, I find that appellants shall be entitled to receive rate of Rs. 2,100/- per R for their acquired lands.

9. I, therefore, pass following order.

O R D E R

- A. First appeals are allowed partly with proportionate costs.
- B. Appellants – claimants are entitled to receive rate of Rs. 2,100/- per R for their acquired lands.
- C. Appellants shall also be entitled to get 30% solatium and 12% increase on the amount of compensation from the date of village notification U/Sec. 4 of the L. A. Act i. e. 07.04.1994 till the date of award i. e. 29.10.2001.
- D. Appellants – claimants are also entitled to get interest on enhanced amount of compensation @ 9% per annum for the first year i. e. 07.04.1994 to 06.04.1995 and if enhanced amount of compensation is not paid, then entitled to 15% per annum for the rest of the year till realization of the entire amount.
- E. The compensation of the acquired lands paid earlier by the S. L. A. O. under references shall be adjusted.
- F. The appellants shall be entitled to interest U/Sec. 28 and 34 of the L. A. Act as per the law laid down by the Full Bench of this Court in the matter of the State of Maharashtra

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- G. The appellants shall not be entitled to interest and statutory benefit for the period from 22.10.2007 to 11.02.2021 as per the order dated 25th November, 2021 passed in First Appeal No. 554 of 2021 and First Appeal No. 549 of 2021.
- H. The appellants shall not be entitled to receive interest and statutory benefits i. e. from the date of filing 07.02.2023 till restoration on 06.06.2025.
- I. The appellants shall pay deficit court fees.
- J. Award be drawn up accordingly.
- K. Record and proceedings shall be sent back to the Reference Court.

[SHAILESH P. BRAHME J.]

bsb/Feb. 26