



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

23 FIRST APPEAL NO. 3110 OF 2024

SUSHILABAI RAMCHANDRA DESHPANDE DIED THR LRS LAXMIKANT
DIED THR LRS MANISHA AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR LATUR AND
ORS

...

Advocate for Appellant : Mr. More P. P.
AGP for Respondents/State: Mr. V.V. Jahagirdar

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CORAM : SHAILESH P. BRAHME, J.

DATE : 16.03.2026

PER COURT :

Heard both sides finally.

2. The appellant is aggrieved by the judgment and award dated 02.08.2024 passed in L.A.R. No. 76/2010. Learned counsel Mr. More for the appellant has placed on record compilation of documents to support his contention that present appeal is squarely covered by a common judgment rendered by Supreme Court restoring rate of Rs. 2300/- per square meter. It is submitted that on the ground of parity, the rate awarded by the Reference Court from Rs. 1500/- per square meter is required to be enhanced to Rs. 2300/- per square meter.

3. The learned counsel Mr. Jahagirdar appearing for respondent-Acquiring Body vehemently opposes the submissions. It is submitted that the ground of parity cannot be attracted in the present matter. The Reference Court has taken reasonable and plausible view and appeal is liable to be dismissed.

4. The appellants' land from village Wasangaon Tq. Dist. Latur was

acquired for construction of a ring road vide notification issued on 06.10.2005. The award under Section 11 of the Land Acquisition Act was passed on 26.11.2007 offering rate of Rs. 690/- per square meter. The Reference Court enhanced the same to the tune of Rs. 1500/- per square meter.

5. I have gone through common judgment and award dated 07.01.2019 passed by the coordinate bench in First Appeal No. 234/2011 and connected matters, as well as order passed by the Apex Court on 21.07.2025. It transpires from record that the lands for the self-same acquisition were acquired by identical notification. The common award was passed by the Spl. Land Acquisition Officer. The rate offered was enhanced by the Reference Court to Rs. 2300/- per square meter. Being aggrieved, the claimants as well as State authority had preferred appeals. By common judgment dated 07.01.2019 learned Single Judge accepted the case of the respondent authority and reduced the rate to Rs. 170/- per square feet. Being aggrieved by the decision of the High Court, the claimants had approached the Apex Court. By a reasoned order passed on 21.07.2025 High Court's order of reducing the rate was quashed and the rate fixed by the Reference Court to the tune of Rs. 2300/- per square meter was restored.

6. I find that present case is squarely covered by the view taken by the Apex Court. The purpose of acquisition, date of notification and award are common. Even 'E' statement, discloses appellants' name. On the ground of parity, learned counsel is justified in claiming the rate of Rs. 2300/- per square meter. I, therefore, pass following order:

ORDER

(I) First Appeal is allowed partly.

(II) The appellants are entitled to receive rate of Rs. 2300/- per square meter for the acquired land.

(III) Save and except above modification rest of the judgment and award shall stand unaltered.

(IV) The appellants shall pay deficit court-fees.

(V) Award be drawn accordingly

(VI) Record and proceeding be sent back to the Reference Court.

(SHAILESH P. BRAHME, J.)

mkd/-