



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

FIRST APPEAL NO. 856 OF 2026

Sonabai Bhimrao Patil
Since deceased through her L.Rs.
Appasaheb Bhimrao Patil
Since deceased through his L.Rs.
Ratan and others .. Appellants

Versus

The State of Maharashtra, through the
Collector Osmanabad .. Respondent

Shri Shashikiran N. Patil, Advocate for the Appellant.
Shri C. V Bhadane, A.G.P. for the Respondent.

CORAM : SHAILESH P. BRAHME, J.
DATE : 09TH APRIL, 2026.

FINAL ORDER :

. Heard both sides.

2. Appellant is challenging judgment and award dated 24.10.2005 passed in L. A. R. No. 376 of 2004. She is claiming rate of Rs. 3,000/- per R relying on the consistent view being taken by this Court. A copy of order dated 25th February, 2026 passed by the Coordinate Bench is placed on record.

3. Learned Assistant Government Pleader for the respondent has contested the submissions of the appellant. It is submitted that no case is made out for further enhancement. Appeal is

liable to be dismissed.

4. Appellants land admeasuring 2H 60R from gut No. 732 situated at Murum, Tq. Omerga, Dist. Osmanabad stood acquired by notification dated 18.01.1988 for Benitura medium project. The possession was taken on 01.01.1989. The award was passed and the price offered was Rs. 12,000/- per hectare (Rs. 120/- per R). Being aggrieved reference was preferred and the Reference Court enhanced the rate to Rs. 1,00,000/- per hectare (Rs. 1,000/- per R).

5. I have gone through the order passed by the Coordinate Bench in First Appeal No. 2978 of 209 and the cross objection. First appeal was allowed by this Court inter alia relying upon order dated 05th February, 2026 passed in First Appeal No. 1135 of 2009 thereby enhancing the compensation to Rs. 1,20,000/- per acre for irrigated land. In that case also land from village Murum was acquired for self same project. Present appeal is squarely covered by the consistent view being taken by this Court. Appellant is also entitled to enhancement, as there is no dispute about the classification of land as fully irrigated land. She is entitled to receive rate of Rs. 1,20,000/- per acre, which works out to be Rs. 3,000/- per R. I, therefore, pass following order.

ORDER

a. First Appeal is allowed partly.

- b. The appellant shall be entitled to receive rate of Rs. 1,20,000/- per Acre (Rs. 3,000/- per R) for irrigated land.
- c. The appellant shall not be entitled to the interest and statutory benefits for the delayed period.
- d. The appellant shall be entitled to the interest under Section 28 and 34 of the Land Acquisition Act, 1894 as per Full Bench judgment in the matter of State of Maharashtra Vs. Kailash Shiva Rangari reported in 2016(3) Mh. L. J. 457.
- e. Save and except above modification, the impugned judgment and award shall stand unaltered.
- f. The appellant shall pay deficit court fees.
- g. Award be drawn accordingly.

[SHAILESH P. BRAHME J.]

bsb/April 26