



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

64 CIVIL APPLICATION NO. 2751 OF 2025
IN FAST/6443/2025

SHAMRAO GANPATI HAZARE DIED THR LRS VISHWAMBHAR SHAMRAO
HAZARE AND ORS
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR LATUR AND ANR

WITH
CIVIL APPLICATION NO. 2750 OF 2025
IN FAST/6403/2025

MAHADEO BALIRAM SUBHEDAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR LATUR AND ANR

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Mr. S. S. Manale, Advocate for Applicants
Mr. S. V. Hange, AGP for Respondent-s/State
Mr. Ram B. Deshpande, Advocate for Respondent No.2

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CORAM : SHAILESH P. BRAHME, J.
DATE : 05.01.2026

PER COURT :-

. Applicants seek to condone delay of 5824 days in preferring the appeals.

2. Learned counsel for the applicants submitted that his clients are ready to give up the statutory benefits for the delayed period. There are no malafides on their part in preferring the appeals belatedly.

3. The applications are contested by the respondent acquiring body. Mr. Deshpande, learned counsel for the acquiring body submits that the delay is huge and unsatisfactory explanation has been tendered in the applications.

4. The averments of the applications have not been controverted by the respondent-acquiring body. The applicants are ready to give up the interest and statutory benefits for the delayed period. I do not find that there are malafides on the part of the applicants.

5. Civil Applications are allowed and the delay stands condoned on condition that the applicants shall not be entitled to the interest and statutory benefits for the delayed period.

FIRST APPEALS STAMP NO.

6. Heard both sides finally.

7. Being aggrieved by common judgment and award passed on 12.12.2008 in L.A.R. Nos. 2010 of 1990 and 2008 of 1990, original claimants have approached this Court. Mr. Manale, learned counsel has tendered on record a copy of common order passed on 26.09.2024 allowing the appeals partly, which were also arising out of the selfsame common judgment which is under challenge. He would submit that on the ground of parity, the appellants are entitled to receive compensation at the rate of Rs.75,000/- per Hectore.

8. Mr. Ram B. Deshpande, learned counsel appearing for the respondent-acquiring body submits that in the absence of any cogent material, it is not permissible to apply the principles of parity. He would submit that the interest has been granted ignoring the law laid down by Full Bench in *State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]*.

9. I have considered rival submissions of the parties. The lands of the appellants have been acquired for the purpose of Raighavan Minor Irrigation Tank at village Wadiwagholi, Tq. and District Latur. The lands are from village Wadiwagholi. An award under Section 11 was passed. SLAO awarded rate of Rs. Rs.9,800/- per Hector. The Reference Court enhanced it to Rs.26,250/- per Hector. On the ground of parity, the appellants are claiming rate of Rs.75,000/- per Hector as has been awarded by the coordinate bench vide common judgment and order dated 26.09.2024.

10. I have gone through the impugned judgment as well as common judgment passed by the coordinate bench in First Appeal Nos.2015 of 2020 and 2016 of 2020. For the selfsame purpose and by selfsame notification, the lands were acquired. Pertinently, common judgment was passed by the Reference Court in all 12 references including L.A.R. Nos.2008 of 1990 and 2010 of 1990.

11. The coordinate bench vide common judgment and order dated

26.09.2024 dealt with identical facts and circumstances in granting enhancement. I find no difficulty in following the same course. It is desirable to allow the appeals partly. I, therefore, pass the following order :

ORDER

- a. First Appeals are allowed partly.
- b. The appellants shall be entitled to rate of Rs.75,000/- per Hector.
- c. The appellants shall be entitled to the interest under Section 28 and 34 of the Act as per as per full Bench Judgment in *State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]*.
- d. The appellants shall not be entitled to the interest and statutory benefits for the delayed period.
- e. Save and except above, the impugned judgment and award shall stand unaltered.
- f. The appellants shall pay deficit court fees.
- g. Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)