



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 FIRST APPEAL NO. 2450 OF 2023

SHANKAR BABU MITKARI DIED THR LRS GAURIBAIE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

AND

35 CIVIL APPLICATION NO. 1536 OF 2026
IN FAST/2467/2026

JOTINATH RATANNATH JOGI (DIED) THROUGH LRS MARUTI JOTINATH
JOGI.
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE DIST COLLECTOR
OSMANABAD AND ORS.

WITH
CIVIL APPLICATION NO. 1537 OF 2026
IN FAST/2440/2026

...
Advocate for Appellants : Mr. Ingale Vivekanand V.
AGPs for Respondent/s-State : Mr. N. D. Raje, Mr. S. N. Morampalle,
respectively.

...

CORAM : SHAILESH P. BRAHME, J.
DATE : 25.02.2026

FINAL ORDER :-

Civil Applications for Delay

1. Appellants seek to condone delay of 7891 days in preferring first appeals.
2. As the present appeals are squarely covered by consistent view being taken in the matters, normal course of issuing notices on application for condonation of delay is dispensed with.

3. Applications are contested by learned AGP as the delay is inordinate. No cogent reasons are coming forth for its condonation.

4. The delay is sought to be condoned for the reasons stated in the application and relying on the judgment of Supreme Court in the matter of *New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (D) through Legal Heir and another ; 2022 SCC OnLine SC 1599*. Applicants are ready to give up interest and the statutory benefits for the delayed period. The delay is inordinate. I am of the considered view that besides forfeiture of interest and statutory benefits, cost needs to be imposed. The delay stands condoned on condition that applicants shall not be entitled to interest and statutory benefits for the delayed period and they shall pay cost of Rs.5,000/- in each appeal to the respondent/acquiring body within a period of four (4) weeks from today.

5. Civil applications for delay are allowed accordingly.

First Appeals

6. Heard both sides finally at the admission stage with consent of the parties.

7. Appellants are claiming enhancement of the compensation by fixing the rate of Rs.20/- per sq.ft. relying on earlier judgment passed in LAR. No.994 of 2009 by the Reference Court and judgment dated 16.12.2025 passed in First Appeal No.2539 of 2021 by this Court. Those copies are

tendered on record.

8. Learned AGPs would contest the appeals and the submissions of the appellants.

9. The lands of the appellants from village Tawashi Gad, Taluka Lohara, District Osmanabad were acquired vide notification dated 23.09.1994 for rehabilitation purpose of the earthquake affected persons.

10. Following are the material particulars in the present first appeals :

Sr. No.	First Appeal No./ST.	L.A.R. No.	Gut No.	Total Acquired Area	U/sec.4 notification date	U/sec.11 Award date	Rate granted by SLAO per R.	Reference Court enhanced rate per R	Sale Deed	Quality of Land
1.	2450/2023	475/1998	36	00 H. 80 R.	23.09.1994	21.09.1996	Rs.140/- Per R.	Rs.750/- Dry Land	25 & 26	N. A. potentiality
2.	2467/2026	433/1998	45	02 H. 65 R.	23.09.1994	21.09.1996	Rs.140/- Per R.	Rs.750/- Dry Land	25 & 26	N. A. potentiality
3.	2440/2026	429/1998	44	01 H. 26 R.	23.09.1994	21.09.1996	Rs.140/- Per R.	Rs.750/- Dry Land	25 & 26	N. A. potentiality

11. In similarly situated matters, Reference Court vide its judgment dated 20.03.2018 passed in LAR. No.994 of 2009 fixed the rate of Rs.20/- per sq.ft. The acquiring body did not prefer any appeal against the award. Relying upon the judgment, this Court in various appeals adopted the rate and granted enhancement. I also followed the same course while allowing First Appeal No.2539 of 2021 vide order dated 16.12.2025. Present appeals are squarely covered by consistent view being taken by this Court. The appeals are bound to succeed. I, therefore, pass following order :

ORDER

(i) First appeals are allowed partly.

- (ii) The appellants shall be entitled to receive rate of Rs.20/- per sq.ft. for acquired land.
- (iii) The appellants shall not be entitled to interest and statutory benefits for the delayed period.
- (iv) The appellants shall be entitled to interest under Section 28 and 34 of the Land Acquisition Act as per law laid down in the judgment of Full Bench in case of *State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]*.
- (v) Save and except above modification. Impugned judgment and award passed by Reference Court shall stand unaltered.
- (vi) The appellants shall pay deficit court fees, if any.
- (vii) Record and proceeding be sent back to the concerned Court, if any.
- (viii) Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

...

vmk/-