



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

952 FIRST APPEAL NO. 2102 OF 2010

THE STATE OF MAHARASHTRA AND ORS  
VERSUS  
SURESH DIGAMBARRAO POTDAR

...

WITH CIVIL APPLICATION NO. 4548 OF 2009  
IN FA/2102/2010

THE STATE OF MAHARASHTRA AND ORS  
VERSUS  
SURESH DIGAMBARRAO POTDAR

...

WITH  
CIVIL APPLICATION NO. 4029 OF 2026  
IN X-OBJST/9239/2026

SURESH DIGAMBARRAO POTDAR.

VERSUS  
THE STATE OF MAHARASHTRA THR COLLECTOR AND ANR.

...

953 FIRST APPEAL NO. 2103 OF 2010

THE STATE OF MAHARASHTRA AND ORS  
VERSUS

SHAILESH DIGAMBAR POTDAR L.RS. SHASHIKALABAI SHAILESH POTDAR  
AND ORS

...

WITH  
CIVIL APPLICATION NO. 4550 OF 2009  
IN FA/2103/2010

THE STATE OF MAHARASHTRA AND ORS  
VERSUS

SHAILESH DIGAMBAR POTDAR L.RS. SHASHIKALABAI SHAILESH POTDAR  
AND ORS

...

**WITH  
CIVIL APPLICATION NO. 4047 OF 2026  
IN X-OBJST/9243/2026**

SHAILESH DIGAMBAR POTDAR DIED THR LRS. SHASHIKALABAI SHAILESH  
POTDAR AND ORS.

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE DIST COLLECTOR  
OSMANABAD AND AND ANR.

Mr. S. B. Jadhav, AGP for the Appellant/State in FA No. 2102/2010  
Mr. S. G. Sangle, AGP for the Appellant/State FA No. 2103/2010  
Mr. V. V. Ingle, Advocate for the Respondent

**CORAM : SANJAY A. DESHMUKH, J.**

**DATED : 7<sup>th</sup> APRIL, 2026**

**P. C. :-**

**ORDER BELOW CIVIL APPLICATION NOS.4029 OF 2026 AND 4047 OF 2026**

1. These applications for condonation of delay of 5408 days in filing the X-objections in First Appeal Nos. 2102 of 2010 and 2103 of 2010 caused for filing the same.

2. Perused the applications and heard learned advocates for both sides. Learned advocate for respondent strongly opposed the applications. Considering the reasons stated in the applications, it appears that the delay caused is not deliberate. Therefore, the applications deserve to be allowed. The delay caused in filing the appeals is condoned in the interest of justice. It is clarified that for the period of delay, the claimant shall not be entitled to

interest or other statutory benefits, if appeals are allowed.

### **ORDER BELOW CIVIL APPLICATION NOS.4548 OF 2009 AND 4550 OF 2009**

3. These applications filed for granting stay to the execution of the impugned judgment and award have become infructuous in view of disposal of the appeals and are accordingly disposed of.

### **FIRST APPEAL NOS.2102 OF 2010 AND 2103 OF 2010**

4. The common judgments in L.A.R. Nos. 163 of 2004 and 167 of 2004, shown in following chart are challenged by the State Government;

| S. N. | L.A.R. Numbers               | Name of the claimants                          | Survey Numbers and area | Notification u/s 4 & award u/ 11 | Compensation granted by SLAO           | SLAO granted compensation for structures & Tress | Compensation granted by Reference Court                                                    | Sale deed                               | Quality of land |
|-------|------------------------------|------------------------------------------------|-------------------------|----------------------------------|----------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------|-----------------|
| 1     | 163/2004 in FA NO. 2103/2010 | Shailesh Digambarrao Potdar, died and his LR's | 427/2 adm. 2 H 40 R     | 21.04. 1988 & 21.11. 1992        | Rs.12000/- per H. i.e. Rs. 120/- per R | Bore Well 1 Rs.32081/- Mango -1 Rs.2490/-        | Rs.40000/- per Acre, i.e. Rs. 1000/- per R and claim for structures and trees are rejected | Exh. 23 for consideration of Rs.73000/- | Irrigated land  |
| 2     | 167/2004 in FA No. 2102/2010 | Suresh Digambarrao Potdar                      | 456 adm 2 H 78 R        |                                  |                                        |                                                  |                                                                                            |                                         |                 |

5. The learned Advocate for the respondent submitted that the claimants' land was acquired for the purposes of construction of the Benitura Project, Murum, village Murum, Tq. Omerga, Dist. Osmanabad.

6. The learned Advocate for the respondent pointed out the pleadings, evidence, the grounds of objections in the appeals and cross

objections as well as the reasons and findings in the impugned judgment. He placed reliance on the judgment of this Court in First Appeal No. 18 of 2006 with connected matters, decided on 19.01.2026, wherein it is held that for the same project, compensation @ Rs.1,20,000/- per acre for irrigated land has been determined. He also invited attention to the statement in final award, pointing out that compensation for bore well in Survey No. 427/2 has been awarded, indicating the availability of irrigation. He, therefore prays for allowing the cross objections and dismissing the appeals.

7. Learned AGP submitted that the compensation awarded by the learned Reference Court is not legal and correct in accordance with the provisions of law. He contended that the principles of parity cannot be applied mechanically and the compensation cannot be determined @ Rs.1,20,000/- per acre for irrigated land. It is further submitted that the claimants have failed to establish that their lands are irrigated by a permanent source of water. He prayed for allowing the appeals and setting aside the impugned judgment and award and reducing the amount of compensation. It is also contended that the sale exemplar relied upon is neither comparable nor bona-fide.

8. Upon perusal of the record and proceedings as well as the judgment delivered by this Court in First Appeal No. 18 of 2006, dated

19/01/2026, it is evident that the lands of the claimants were acquired for one and the same project pursuant to the same notification. Therefore, on the principle of parity and further as per award the claimants' land had water facility through the bore well for which one of the claimant got compensation. Hence, the claimants are entitled to the same rate of compensation. The claimants' lands are irrigated lands. Hence, they are entitled to compensation @ Rs.1,20,000/- per Acre. There is no substance in the grounds of objection raised in the appeals. The first appeals deserve to be dismissed. The cross objections deserve to be allowed. The impugned judgment and award requires modification. Hence, the following order.

#### **ORDER**

- i Both the Appeals are dismissed.
- ii. The cross objections are allowed.
- iii. The impugned judgment and award is partly set aside and modified as under:
  - a) The claimants shall be entitled to compensation @ Rs.1,20,000/- per acre for their irrigated lands with all statutory benefits viz. the component, interest and solatium as per the Land Acquisition Act, 1894.
- iii. It is clarified that the claimants shall not be entitled to the interest

for the period of delay, if any, condoned by this Court caused for filing cross objections.

- iv. The enhanced amount of compensation with statutory benefits, shall be deposited in this Court within a period of six months from today and on payment of deficit Court fees, if any, the same shall be paid to the claimants.
- v. The award be drawn up accordingly.
- vi. The record and proceedings be sent back.

**(SANJAY A. DESHMUKH, J.)**

ssp