

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

946 FIRST APPEAL NO.1416 OF 2018

The State of Maharashtra
Thr. Collector Latur and Ors
Versus
Tanaji Sambhaji Wante

... Appellants
... Respondent

.....

Shri. R. D. Raut, AGP for the State.
Shri. Shashikiran N. Patil, Advocate for the Respondent

.....

WITH
X-OBJECTION (ST.) NO.9277 OF 2026

IN
FIRST APPEAL NO.1416 OF 2018

WITH
CIVIL APPLICATION NO. 5359 OF 2026
IN X-OBJST/9277/2026

WITH
CIVIL APPLICATION NO. 3685 OF 2012
IN
FIRST APPEAL NO.1416 OF 2018

.....

CORAM : NEERAJ P DHOTE, J.

Dated : MAY 05, 2026

PER COURT :-

. This is an Appeal by the State under Section 54 of the Land Acquisition Act, 1894 (for short, 'L.A. Act') against the Judgment and Award dated 03.03.2011 passed by the learned District Judge-1, Latur, (hereinafter referred to as the 'Reference Court') in L.A.R. No.351/2006, awarding the compensation at the rate of Rs.1,750/- per R for the seasonally irrigated land admeasuring 41 R out of Survey No.164 situated at village Kanheri, Tal. Ausa, Dis. Latur, acquired for Percolation

Tank.

2. In the said Appeal by the State, the Claimants had preferred the cross-objection for further enhancement in the compensation determined by the learned Reference Court.

3. Heard the learned AGP for the State and the learned Advocate for the Claimants. With their assistance, perused the papers on record.

4. There is no dispute in respect of the extent of the land of the Claimants and the purpose for which the land is acquired. The Special Land Acquisition Officer (for short, 'SLAO') determined the rate of Rs.778/- per R for the seasonally irrigated land of the Claimants. The learned Reference Court has enhanced the same to Rs.1750/- per R. Undisputedly, the enhancement by the learned Reference Court is within four (4) times of the rate determined by the SLAO. By way of Government Resolution dated 03.11.2016 and Corrigendum dated 23.02.2017, the State Government has taken the policy decision not to prefer the Appeals, wherein the enhancement by Reference Court is within four (4) times of the rate determined by the SLAO. Thus, the Appeal by the State deserves no consideration.

5. As regards the Cross-objection is concerned, the learned Advocate for the Claimants relies on the decision dated 15.09.2025 passed by this Court in group of First Appeals, one of which is First Appeal No.1059 of

2014. Those Appeals were preferred by the Claimants in the land references, which were decided by the Reference Court by way of the common judgment, by which the present reference was also decided. Copy of the said order of this Court shows that, for seasonally irrigated land, this Court determined the rate of Rs.3,983/- per R. Learned AGP does not dispute the said aspect. As the Claimants in the case at hand and the Appellants in the said Appeals are similarly placed, and as the matters arise out of one and the same notification and acquisition proceedings, the Claimants would be entitled to the said rate for the seasonally irrigated land as enhanced by this Court. Hence, the following order.

ORDER

- (i) The Appeal by the State stands disposed of in view of the Government Resolution dated 03.11.2016 and Corrigendum dated 23.02.2017.
- (ii) The Cross-objection is partly allowed.
- (iii) The Claimants shall be entitled to receive compensation for the land admeasuring 41 R out of Survey No.164 situated at village Kanheri, Tal. Ausa, Dis. Latur, being the seasonally irrigated land, as directed in the order dated 15.09.2025 in aforesaid Appeals i.e. @ Rs.3,983/- (Rs.Three Thousand Nine Hundred Eighty Three) per R.
- (iv) The amount already paid to the Claimants, shall be deducted from the enhanced compensation.
- (v) The Claimants shall not be entitled for the interest of delayed period in filing the Appeal.

(vi) Pending Application/s stand/s disposed of.

(vii) The State to deposit the enhanced amount of compensation before the Executing Court within a period of 12 (twelve) weeks from today, as directed in the aforesaid Appeals.

(NEERAJ P. DHOTE, J.)

GGP