



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 CIVIL APPLICATION NO. 5397 OF 2026
IN/WITH X-OBJST/13437/2026

Nagappa (died) Lrs Rama (died) Lrs Gurunath Ramchandra Lade

VERSUS

The State of Maharashtra Through The Collector Osmanabad.

...

Advocate for Applicant : Mr. Laxmikant C. Patil

Additional G.P. for Respondents: Mr. Shirish G. Sangle

.....

AND

FIRST APPEAL NO. 1922 OF 2013

WITH

CIVIL APPLICATION NO. 6930 OF 2010

The State of Maharashtra

VERSUS

Nagappa (died) Lrs Rama (died) Lrs Gurunath Ramchandra Lade

...

Additional G.P. for appellant : Mr. Shirish G. Sangle

Advocate for Respondents : Mr. Laxmikant C. Patil

.....

AND

CIVIL APPLICATION NO. 5415 OF 2026

IN/WITH X-OBJST/12487/2026

Malappa Kallappa Deomankar (Died through L.Rs.) Sudhir Malappa

Deomankar and Another

VERSUS

The State of Maharashtra Through The Collector Osmanabad.

...

Advocate for Applicant : Mr. Laxmikant C. Patil

Additional G.P. for Respondents: Mr. Shirish G. Sangle

.....

AND

FIRST APPEAL NO. 1074 OF 2012

WITH

CIVIL APPLICATION NO. 9266 OF 2011

The State of Maharashtra

VERSUS

Malappa Kallappa Deomankar (Died through L.Rs.) Sudhir Malappa

Deomankar and Another

...

Additional G.P. for appellant : Mr. Shirish G. Sangle

Advocate for Respondents : Mr. Laxmikant C. Patil

CORAM : SANJAY A. DESHMUKH, J.

DATED : 6th MAY, 2026

PER COURT :-

1. The civil application Nos. 5397 of 2026 and 5415 of 2026 are filed for condonation of delay of 4631 days and 2787 days, respectively, caused in filing the cross objections. Perused the applications and heard learned advocates for both sides. Learned A.G.P. for the respondent State strongly opposed the applications. Considering the reasons stated in the applications, it appears that the delay caused is not deliberate. Therefore, the applications are allowed. The delay caused in filing the cross objections is condoned on the condition that the claimants shall not claim interest on the enhanced amount of compensation, for delayed period.

2. The first appeals and cross objections arise out of one and the same acquisition proceedings and the judgment and award passed by the learned Land Reference Court, Osmanabad, as per the details given in the following chart:-

Sr. No.	Cross Obj./F.A.	L.A.R. No.	Gut. No.	Area	Compensation awarded by the L.A.O. (per Acre) (Rs.)	Compensation awarded by the Reference Court

1	Cross Obj. St. No. 12487/2026 in F.A.1074 /2012	407/2009	9/c	0 H 35 R	4800/-	40,000/-
2	Cross Obj. St. No. 13437/2026 in F.A.1922 /2013	11/2005	62	1 H 45 R	4800/-	40,000/-

3. Learned A.G.P. for the appellants-State submitted that the lands shown in the above chart have been acquired for the purpose of construction of Benetura medium project, Murum, Tq. Omerga, District Osmanabad (now Dharashiv), by the notification under Section 4 of the Land Acquisition Act 1894 (for short "L.A. Act") on 21.04.1988. The L.A.O. awarded the amount of Rs.120/- per Are whereas the learned Reference Court has awarded the compensation @ Rs.1000/- per Are. Learned A.G.P. for the appellant State submitted that the compensation awarded by the learned Reference Court is not based on the evidence and the evidence produced on record was not properly appreciated. Therefore, the inference is warranted in the impugned judgment and award.

4. Learned advocate for the claimants-cross objectors submitted that the lands in both the matters are acquired for one and the same purpose, as the lands were acquired in the first appeal No.1976 of 2011 and other first appeals, decided on 18.04.2026, by

which this Court awarded the compensation @ Rs.1,20,000/- per acre for irrigated land. He therefore, he prayed for awarding the same rate of compensation on the principle of parity.

5. On perusal of the impugned judgment and award, the reasons therein and grounds of objection of the appeals as well as cross objections, this Court found that the claimants lands were acquired for one and the same purpose, as is acquired in the first appeal No. 1976 of 2011 and other connected appeals, decided on 18.04.2026. Therefore, the claimants are entitled for the same rate of compensation of Rs.1,20,000/- per Acre for irrigated land. From the 7x12 of the acquired lands in the present matters, it shows that there are wells for water supply to the lands of the claimants and therefore, the claimants are entitled for the same rate of compensation on the principle of parity. The cross objections therefore, deserve to be allowed. Learned advocate for the appellants pointed out para 5 of the operative part of the impugned judgment in which interest is to be awarded from the date of award of the S.L.A.O. @ 9% p.a. for one year and thereafter @ 15% p.a. till realization of the entire amount, which was not awarded by the learned Reference Court.

6. In view of the reasons given in the judgment dated 19.01.2026, delivered in first appeal No. 18 of 2006 and other

connected appeals, the first appeal Nos. 1074 of 2012 and 1922 of 2013 deserve to be dismissed and the cross objection (St.). Nos. 13437 of 2026 and 12487 of 2026 deserve to be allowed. The claimants in cross objections are entitled for the enhanced amount of compensation @ Rs.1,20,000/- per acre, as their lands are irrigated. The impugned judgments and awards deserve to be set aside. Hence, the following order:-

O R D E R

- I. First appeal Nos. 1074 of 2012 and 1922 of 2013 are dismissed.
- II. Cross objection (St.). Nos. 13437 of 2026 and 12487 of 2026 are allowed.
- III. The impugned judgments and award of the Reference Court are partly set aside and modified as under:-
 - a) The claimants in the cross objections are entitled for the enhanced amount of compensation @ Rs.1,20,000/- per acre, including the earlier compensation amount awarded and received by them along with all statutory

benefits like interest, component and solatium etc. as per the provisions of Land Acquisition Act, 1894.

- IV. The claimants in cross objections are entitled for the interest at the rate of 9% p.a. from the date of award for one year and thereafter @ 15% p.a. till the realization of entire amount.
- V. It is clarified that the claimants-cross objections shall not claim interest for the period of delay which is condoned by this Court.
- VI. The State Government is directed to deposit the enhanced amount of compensation within 12 weeks from today with accrued interest, if any, in this Court.
- VII. The claimants shall deposit the amount of deficit court fees, if any.
- VIII. The record and proceedings be sent back.
- 7. Civil applications filed for stay to the execution of impugned judgment and award are disposed of as infructuous.

(SANJAY A. DESHMUKH, J.)