



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

FIRST APPEAL NO.1076 OF 2010

Ravindra Nagappa Chiloba Died Thr Lrs Sonabai And Ors.

VERSUS

The State Of Maharashtra Through Collector Osmanabad And Anr.

...

Mr. V. V. Ingale, Advocate for Appellants

Mr. S. G. Sangle, AGP for Respondents/State

....

CORAM : SANJAY A. DESHMUKH, J.

DATE : 04.05.2026

PER COURT :-

1. This appeal is preferred against the judgment and award dated 02.01.2010 passed by the learned Land Reference Court, Omerga, District Dharashiv in Land Acquisition Reference No.462 of 2004 (Old No.100/1996).

2. The following chart reflects all the material particulars of the appeal.

First Appeal No.	L.A.R. No.	Survey No.	Acquired Area	Compensation awarded by L.A.O.	Compensation awarded by Reference Court
1076/2010	462/2004 (Old No.100/1996)	751	03 H 59 Are	Rs.22,220/- per hectare i.e. Rs.222/- per R	Rs.17,360/- per acre i.e., Rs.434/- per R

3. The appellant/claimant's agricultural land situated in Survey No.751, admeasuring 3 H 59 R, was acquired for the



purpose of the Benitura Medium Project pursuant to the notification issued and published under Section 4 of the Land Acquisition Act, 1894, dated 21.04.1988.

4. Mr. V. V. Ingale, learned advocate for the appellant/claimant pointed out the pleadings, the evidence, the grounds of objections in the appeal and the reasons and findings in the impugned judgment. He relied upon the judgment of this Court in First Appeal No.18 of 2006 along with connected appeals and cross-objections therein, decided on 19.01.2026, by which this Court, on merits, awarded compensation @ Rs.60,000/- per acre by holding that the lands of the claimants were Jirayat lands. He submitted that the land involved in the said appeal and the present appeal arises out of the one and same acquisition proceedings, and therefore, the same rate can be awarded to the claimant on the principle of parity.

5. The learned advocate for the appellant/claimant further submitted that the land of the claimant is irrigated land, which is substantiated by the 7X12 extracts. Therefore, he prayed to award the compensation on the principle of parity in view of the judgment delivered by this Court in First Appeal No.18 of 2006 and other connected appeals and the cross objections therein.



6. The learned AGP for the Respondent-State strongly opposed the appeal and submitted that the claimant's claim has been rightly decided by the learned Reference Court by awarding a reasonable amount of compensation. He further submitted that the evidence has been properly appreciated and no interference is warranted in the impugned judgment and award. He prayed to dismiss the appeal.

7. 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 present appeal deserves to be allowed on the principle of parity, as the land involved in the said appeal and the present appeal arises out of the one and same acquisition proceedings. The appellant/claimant is entitled to the enhanced amount of compensation @ Rs.1,20,000/- per acre, as his land is irrigated. Hence, interference is warranted in the impugned judgment and award. The appeal deserves to be allowed. The impugned judgment and award deserves to be partly set aside. Hence, the following order:

::ORDER::

- I. The First Appeal is allowed.
- II. The impugned judgment and award is partly set aside and



modified as under:

- (a) The appellant/claimant is entitled to compensation @ Rs.1,20,000/- per Acre, for his acquired irrigated land, including the earlier compensation awarded and received by him, along with all statutory benefits like interest, component and solatium etc., as per the Provisions of the Land Acquisition Act, 1894.
- III. It is clarified that the claimant is not entitled to the interest and other statutory benefits for the period of delay, if any condoned by this Court.
- IV. The respondent is directed to deposit the enhanced amount of compensation with accrued interest thereon along with all statutory benefits like interest, component and solatium etc., in this Court within a period of six (06) months from today.
- V. Rest of the judgment and award is confirmed.
- VI. On payment of deficit Court fees, the enhanced amount of compensation be paid to the appellants-claimants.
- VII. Award be drawn up accordingly.
- VIII. Pending civil applications, if any, are disposed of.
- IX. Record and Proceedings be sent back.

[SANJAY A. DESHMUKH, J.]

HRJadhav