



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

901 FIRST APPEAL NO. 2110 OF 2019

The State Of Mah Thr. Collector Osmanabad

VERSUS

Madhav Sidramappa Birajdar, Died Thr. L.rs. Parmeshwara And Ors

...

Mrs. B. B. Gunjal – Asst. Govt. Pleader for Appellant / State

Mr. Shashikiran N. Patil - Advocate for Respondent Nos. 1a to 1c & 1e

...

WITH

CIVIL APPLICATION NO. 15019 OF 2011 IN FA/2110/2019

X-OBJECTION NO. 168 OF 2026 IN FA/2110/2019

...

CORAM : NEERAJ P DHOTE, J.

DATED : 08TH MAY, 2026

PER COURT : -

1. The First Appeal has been filed by the State against the Judgment and Award dated 17.04.2010 passed by the learned Jt. Civil Judge, Senior Division, Omerga, District Osmanabad, (hereinafter referred to as the “Reference Court”) in L.A.R. No. 416 of 2009, whereby the Reference Court determined the compensation for irrigated land at the rate of Rs. 40,000/- (Rupees Forty Thousand only) per *acre*, along with statutory benefits.

2. The Claimants’ land bearing Survey No. 18, *ad measuring* 2 *Hectare* 50 *Are* sitauted at village Tugaon, Taluka Omerga, Distirct Osmanabad, came to be acquired for Benitura Medium Project at

Turgaon. The Notification under Section 4 of the Land Acquisition Act was issued on 18.12.1987 and published in the Gazette on 16.06.1998. The Land Acquisition Officer determined the Award at the rate of Rs.14000/- per *Hectare*. Being not satisfied with the compensation determined by the Land Acquisition Officer, the Claimants preferred above-referred L.A.R. for enhancement in the compensation. The learned Reference Court has enhanced the compensation towards the irrigated land as stated above.

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

4. It is submitted by the learned AGP that, the learned Reference Court has enhanced the compensation exorbitantly. She submits that the Appeal be allowed.

5. It is submitted by the learned Advocate for the Claimants that, this Court in connected Appeals arising out of the same acquisition proceedings enhanced the compensation for the irrigated land at the rate Rs. 1,20,000/- [Rupees One Lakh Twenty Thousand] per *Acre*. The Claimants are, therefore, entitled for the same rate as the land is irrigated.

6. The copies of the Judgments and Orders passed by this Court in First Appeal No. 1135 of 2009 with connected Appeals dated 05.02.2026, First Appeal Nos. 625 of 2012 with connected Appeals dated 18.04.2026 and First Appeal No. 765 of 2007 dated 11.02.2026 are made available by the learned Advocate for the Claimants. A perusal of the said judgments shows that, the said Appeals along with Cross-Objections by the respective Claimants were arising out of the same acquisition proceedings for Benitura Medium Project at Tugaon. This Court enhanced the compensation for the irrigated land at the rate Rs. 1,20,000/- per acre. The learned AGP does not dispute that this Court in the said Appeals, which arose from the same acquisition proceedings have enhanced the compensation. Undisputedly, and what is clear from the papers on record is that the land of the Claimants in the case at hand is irrigated and acquired for the same project and situated in the same village. This being the position, the Claimants are entitled for the compensation for the same rate on the ground of parity. Hence, the following order is passed:

ORDER

- [i] The First Appeal is dismissed.
- [ii] The Cross-Objection No. 168 of 2026 filed by the Claimants is allowed in terms of the Judgments in First Appeal No. 1135 of 2009 with connected Appeals dated 05.02.2026, First Appeal Nos. 625 of 2012 with connected Appeals

dated 18.04.2026 and First Appeal No. 765 of 2007 dated 11.02.2026, in respect of land only.

- [iii] The Claimants shall be entitled to the compensation at the rate of Rs. 1,20,000/- [Rupees One Lakh Twenty Thousand] per *Acre* along with statutory benefits as per the Land Acquisition Act.
- [iv] The Claimants shall be entitled to the interest at the rate of 12% per annum, instead of 8% per annum as granted vide paragraph 10 of the operative order of the Reference Court.
- [v] The Claimants shall be entitled to the interest from the date of the Award as per Full Bench's Judgment of this Court in the case of **State Of Maharashtra v. Kailash Shiva Rangari**, (2016) 3 Mh LJ 457.
- [vi] The Award passed by the learned Reference Court stands modified accordingly with no order as to costs.
- [vii] The Claimants shall pay the deficit court fees, if any.
- [viii] The amount of enhanced compensation with statutory benefits be deposited in this Court within a period of six (6) months from today.
- [ix] The Claimants will be entitled to withdraw the amount of compensation after the same is deposited by the State.
- [x] Pending Civil Application, if any, stands disposed of.

[NEERAJ P. DHOTE]
JUDGE