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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 X-OBJECTION (STAMP) NO. 28271 OF 2016
WITH
CIVIL APPLICATION NO. 3745 OF 2020
IN FA/158/2015

Nagorao Digambarrao Kandharkar and others
VERSUS
The State of Maharashtra and others

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Advocate for the Petitioner : Mr. Ashwin V. Sakolkar a/w Mr. H.B. Nandagavale and Mr. Anurag V. Sakolkar h/f Mr. V.G. Sakolkar
Additional G.P. for Respondent Nos. 1 and 2: Mr. Shirish G. Sangle
Advocate for Respondent No.3 : Mr. B.R. Surwase

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AND
FIRST APPEAL NO. 158 OF 2015
WITH
CIVIL APPLICATION NO. 9699 OF 2012

Executive Engineer, Latur Minor Irrigation Div.
VERSUS
The State of Maharashtra and others

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Advocate for Appellant : Mr. B.R. Surwase
Additional G.P. for Respondent Nos.1 and 2: Mr. Shirish G. Sangle
Advocate for Respondent Nos. 3 to 6 : Mr. Ashwin V. Sakolkar a/w Mr. HB. Nandagavale and Anurag V. Sakolkar h/f Mr. V.G. Sakolkar

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 6th MAY, 2026

PER COURT :-

1. Issue notice to the respondents. Learned advocate Mr. Surwase waives notice of the respondent acquiring body and Mr. Sangle, learned Additional G.P. waives notice for the respondent-State. By consent of the parties, heard finally.



2. The first appeal and the cross objections are preferred against the judgment and award passed by the Land Reference Court, Ahmedpur, Tq. Ahmedpur, District Latur in L.A.R. No. 454 of 2000, dated 30.11.2010. The claimants land bearing Block Nos. 160 and 162 admeasuring 6 H 20 Are came to be acquired for the purpose of construction of Kalegaon storage tank, Ahmedpur, Tq. Ahmedpur, District Latur.

3. Learned advocate for the claimants pointed out the pleadings, evidence, grounds of objection of the appeal and the reasons and findings in the impugned judgment and award. It is pointed out that the claimants land was acquired for the purpose of construction of Kalegaon storage tank, Ahmedpur, District Latur, as per the notification issued and published under Section 4 of the Land Acquisition Act, 1894 (for short "L.A. Act") on 18.01.2007. The L.A.O passed an award on 05.02.2008 and awarded the compensation @ Rs.3740/- per Are. The learned Reference Court awarded the compensation @ Rs.14,000/- per Are. Learned advocate for the appellants pointed out sale exemplars Exh.16 and 17. It is submitted that Exh.17 was the highest value of consideration of Rs.25,80,000/- for 48 Are land i.e. Rs.53,850/- per Are.



4. Learned advocate for the claimants further relied upon the judgment of Division Bench of this Court in First Appeal No. 1089 of 2015 and other connected appeals, decided on 16.09.2019, by which the Division Bench of this Court awarded the compensation @ Rs.60/- per sq. ft. for N.A. use of land and Rs.50/- per sq. ft. for other lands around 2005. With 10% increase per year, in 2007 the rate would have been approximately around Rs.75/- per sq. ft. for N.A. use lands and Rs.60/- per sq. for other lands. Learned advocate for the appellants therefore prayed for awarding the same rate of compensation on the principle of parity. Learned advocate for the claimants further submitted that in first appeal No.1098 of 2018 and other connected appeals, decided on 16.03.2026, the Division Bench of this court awarded the same rate of compensation. He further submitted that in first appeal No.1089 of 2015, the appeal has been preferred in the Hon'ble Supreme court by the acquiring body in the year 2019 but there is no stay to the said judgment. On the contrary, the claimants in the said case have withdrawn the entire amount deposited by the acquiring body as per the said judgment. He therefore, submitted to allow the cross objection and dismiss the first appeal, as there is no substance in the grounds of objections to it.

5. Mr. Sangle, learned Additional G.P. for the respondent State and Mr. Surwase, the learned advocate for the acquiring body,



strongly opposed the cross objection and submitted that the learned Reference Court has awarded the huge amount of compensation without considering the evidence on record. The learned Reference Court failed to consider the evidence in its proper perspectives and awarded the compensation @ Rs.14,000/- per Are, which is not legal and correct. They further submitted that the judgments of this Court in first appeal Nos.1089 of 2015 and 1098 of 2018, decided by two separate Division Benches, are not applicable to the case in hand. The appeals are preferred against the said judgments in the Hon'ble Supreme Court and the claimants have not established their case for grant of compensation on the basis of sale exemplar Exh.17. Considering the facts and circumstances of the case and the appeals filed in the Hon'ble Supreme Court, the principle of parity cannot be applied. It is lastly prayed to allow the appeal and dismiss the cross objection.

6. Perused the record and proceedings alongwith the judgments of the Division Bench of this Court with the reasons and findings of the learned Reference Court. On perusal of the impugned judgment, it is crystal clear that the Reference Court has not given proper reasoning as to why the sale exemplar Exh.17 is not relied upon. The same sale exemplar has been relied upon by the Division Bench of this Court in first appeal No.1089 of 2015 and awarded the



compensation for the acquired land @ Rs.60/- per sq. ft. The land in those appeals were acquired for one and the same purpose by one and the same notification, situated in one and the same village. The nature of the land is similar and the court has also considered Exh.17, which is relied upon by the claimants-cross objectors in this case. The said judgment though challenged in the Hon'ble Supreme Court, there is no stay to it by the Hon'ble Supreme Court. Therefore, the claimants are certainly entitled for the same rate of compensation on the principle of parity. Therefore, the arguments of learned advocate for the respondents is not acceptable. There is no substance in the grounds of objection of the appeals raised by the acquiring body. On the contrary, the cross objection filed by the claimants shows substance that the impugned judgment is not in accordance with the evidence on record. The reasoning of the judgment is soul of justice. The learned Reference Court erred in this regard while determining the compensation i.e. the market value of the acquired land on the date of notification under Section 4 of the L.A. Act. The claimants are therefore, certainly entitled for enhanced amount of compensation @ Rs.60/- per sq. ft. on the principle of parity in first appeal No. 1089 of 2015 and other connected appeals.

7. Considering all these aspects, the appeal filed by the State deserves to be dismissed and the cross objection filed by the



clamants deserves to be allowed. Hence, the following order:-

O R D E R

- I. First appeal No. 158 of 2015 is dismissed.
- II. Cross objection (St.). No. 28271 of 2016 is partly allowed.
- III. The impugned judgment and award of the Reference Court is partly set aside and modified as under:-
 - a) The claimants in the cross objection are entitled for the enhanced amount of compensation @ Rs.60/- per sq. ft. 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, if any.

- 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.
8. Pending Civil applications in the first appeal as well as the cross objection are disposed of.

(SANJAY A. DESHMUKH, J.)

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