



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.7761/2018

Saliwoonnissa w/o Ajimoddin Vs. State of Maharashtra and anr.

WITH

WRIT PETITION NOS. 7762/2018, 7764/2018, 7765/2018, 7813/2018, 7814/2018, 7815/2018, 7816/2018, 7817/2018, 7818/2018, 7819/2018, 7822/2018, 7763/2018, 7766/2018, 7767/2018, 7768/2018, 7769/2018, 7770/2018, 7771/2018, 7772/2018, 7773/2018, 7774/2018, 7775/2018, 7776/2018, 7777/2018, 7778/2018, 7779/2018, 7780/2018, 7783/2018, 7784/2018, 7785/2018, 7786/2018, 7787/2018, 7788/2018, 7789/2018, 7790/2018, 7791/2018, 7792/2018, 7793/2018, 7794/2018, 7795/2018, 7796/2018, 7797/2018, 7798/2018, 7799/2018, 7800/2018, 7801/2018, 7802/2018, 7803/2018, 7804/2018, 7805/2018, 7806/2018, 7807/2018, 7808/2018, 7809/2018, 7810/2018, 7811/2018, 7812/2018, 7820/2018, 7821/2018, 7823/2018, 7824/2018, 7825/2018, 7826/2018, 7827/2018, 7828/2018, 7829/2018, 7830/2018, 7831/2018, 7832/2018, 7833/2018, 7834/2018, 7835/2018, 7836/2018, 7837/2018, 7838/2018, 7839/2018, 7840/2018, 7841/2018, 7842/2018, 7843/2018

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms S. W. Deshpande, Advocate for petitioners.

Mr. S.S. Doifode, Mr. A.J. Gohokar, Mr. S.A. Ashirgade, Mr. A.B. Badar,
Mr. M. J. Khan, Mr. N.R.Patil, A.G.P. for respondent No.1-State.

Mr. P. B. Patil with Mr. V B. Rath, N. A. Waghmare, Yash Ghodichor,
Advocates for respondent No2.

CORAM : ANIL L. PANSARE AND NIVEDITA P. MEHTA, JJ.

DATE : MARCH 30, 2026.

Heard.

2. The issue involved in all these petitions is identical. Argument of the petitioners is that the lands have been acquired under project "Kurha Wadhoda Islampur Upsa Sinchan Yojana, Tq. Muktainagar, Dist. Jalgaon Va Jalgaon Jamod, Dist. Buldhana." According to the petitioners' counsel, the sale deeds were executed in terms of price fixed under the Government Resolution dated 06.07.1999. The grievance of the petitioners is that subsequent thereto, similarly situated land owners, were given enhanced compensation and, therefore, on parity, the petitioners are entitled to receive enhanced compensation. In support, she has relied upon

judgment in **Daulat Sitaram Kodone and Ors..Vs.State of Maharashtra and Ors.; [(2014) 13 SCC 341]**.

3. Mr. P. B. Patil, learned counsel for respondent Nos.1 and 2, submits that some land owners, whose lands were acquired for the same project, had also approached this Court, being **Writ Petition No.5133/2019 with connected matters**. The said petitioners had relied on same judgment i.e. *Daulat Sitaram Kodone and Ors.*, supra. In said matters, this Court, on 07.01.2026, passed following order.

“1. Heard learned counsel for the petitioner.

2. The petitioner has approached this Court for seeking direction to the respondents to pay the amount of difference between the sale deed of the petitioner and the last sale deed along with interest at the current rate.

3. The grievance of the petitioner is that the Government vide Government Resolution dated 6th July 1999, acquired the land for the project of “Kurha Wadhoda Islampur Upsa Sinchan Yojana, Tq. Muktainagar, Distt. Jalgaon Va Jalgaon Jamod, District Buldhana”. Under the said project, total nine sale deeds were executed on 29th July 2019. Out of which one sale deed was of the present petitioner and accordingly his land was acquired. The petitioner in the year 2010 realized that in January 2010 the price of the land increased and accordingly 158 sale deeds were executed for the same project at higher rate and hence, the present petitioner has approached this Court for seeking direction to the respondents to pay the amount of difference between the sale deed of the petitioner and other sale deeds of higher rate.

4. The aforesaid fact came to the knowledge of the petitioner in the year 2010, the petitioner is before this Court claiming such relief in the year 2026. In the present petition, which was filed in the year 2018, apart from the delay, the basic grievance of the petitioner is that the subsequent sale deeds in the subsequent years were executed at the higher rate. The reason for such execution of the sale deeds at the higher rate can be found in paragraphs 2, 3 and 4 of Annexure-II which read as under:

२) खरेदी करतांना बाधील भूधारकास द्यावयाचा जमिनीचा दर हा शीघ्र सीध्द गणक, खरेदी विक्री व्यवहार व उत्पन्न भांडवलीकरण पध्दत या तीन पध्दतीने काढला जातो. या तीन पध्दतीपैकी ज्या पध्दतीने दर सर्वात जास्त (महत्तम) येईल तो दर शेतक-यांना फायदेशीर असल्याने त्या दराने खरेदी करण्यात येते व हा दर त्या कॅलेंडर वर्षासाठी निश्चित केला जातो.

३) दरवर्षी जानेवारी महिन्यामध्ये शीघ्र-सीध्द गणकाचे संबंधित शिवाराचे दर हे महसुल खात्यामार्फत सुधारीत केले जातात. आपल्या विभागास प्राप्त शिघ्र-सिध्द गणकाचे सुधारीत दर व संबंधित वर्षाला अनुसरून झालेले खरेदी विक्री व्यवहार व उत्पन्न भांडवलीकरण यांनुसार पुन्हा त्या कॅलेंडर वर्षासाठी दर निश्चित करण्यासाठी वरीलप्रमाणे तीनही पध्दतीने दर काढून महत्तम दर त्या कॅलेंडर वर्षासाठी निश्चित केला जातो व त्या कॅलेंडर वर्षात त्या दरानुसार खरेदी करण्यात येते.

४) सन २००६ मध्ये १६६ शेतक-यांनी त्यांच्या बाधीत जमिनी या विभागास सन २००६ च्या मंजूर दरानुसार खरेदी करून दिल्या. परंतु जाने २०१० मध्ये शीघ्र-सिध्द गणक दरामध्ये झालेली वाढ विचारात घेता सन २०१० चा खरेदीचा दर २००६ च्या दरापेक्षा ४०% जास्त आला व सन २०१० मधील १५८ खरेद्या ह्या सन २०१० मधील निश्चित दरानुसार करण्यात आल्या.

5. *The aforesaid reasons clearly substantiates the execution of the sale deeds in the subsequent years with the higher rates and accordingly there is no merit in the present petition apart from the fact that there is dealy and latches on the part of the petitioner.*

6. *Learned counsel for the petitioner has contended that in identical petitions Writ Petition No. 3713 of 2019, so also Writ Petition No.1613 of 2019, this Court had allowed the claim of the petitioner by relying upon the judgment of the Hon'ble Apex Court in the case of Daulat Sitaram Kodone and Others Versus State of Maharashtra and Others reported in (2014) 13 upreme Court Cases 341.*

7. *We have perused the facts of the Writ Petition No. 1613 of 2019. The aforesaid case relies upon the judgment of the Hon'ble Supreme Court reported supra. The judgment of the Hon'ble Supreme Court passed in the case of Daulat Sitaram Kodone and Others (supra) was against the judgment of this Court passed in Writ Petition No.1835 of 2010. The facts of the case are reproduced from para 1 of the aforesaid judgment, which is as follows:*

“By this petition, the petitioners seek a direction to the respondents to include the names of the petitioners in the list of project affected persons eligible to receive enhanced compensation which is being paid to the other villagers. The petitioners seek a direction to the respondents to pay the petitioners equal compensation as is payable to the other project affected persons of village Sawargaon after deducting the amount of Rs.50,000/- which is received by them. The lands of the petitioners and the other persons from village Sawargaon were acquired by the State of Maharashtra and the petitioners as well as the other villagers of Sawargaon were allotted small plots of land by

the State of Maharashtra for their rehabilitation. In the year 2005-2006. since the petitioners did not construct any residential houses on those plots and chose to reside at some other place, the State of Maharashtra by the resolution dated 13.12.2006 decided to pay a sum of Rs.50,000/- to the project affected persons who were ready to forgo their right in the plot which was allotted to them. In view of the decision dated 13.12.2006 the petitioners entered into an agreement with the State Government whereby they accepted the amount of Rs.50000/- and agreed to forgo their rights in the plots which were allotted to them at village Pagora. It was stated in the agreement between the parties that the petitioners would not make any further claim after receiving the sum of Rs.50000/- from the State Government for forgoing their rights in the plots which were allotted to them. Nothing happened thereafter for a period of about four years and since the land belongs to the Forest Department, the State of Maharashtra decided to take back the plots allotted to the villagers of Sawargaon as village Pagora and instead pay them total compensation of Rs.10,06,55,000/- approximately.

The case of the petitioners is that now the other villagers of village Sawargaon are now receiving higher compensation/amount than what was paid to the petitioners in the year 2006-2007 and hence their names should again be included in the list of project affected persons and they also are entitled to higher compensation. In this background the petitioners seek the aforesaid reliefs.”

8. *Thus, the facts of the aforesaid Writ Petition No.1835 of 2010 which was carried to the Hon'ble Supreme Court and was finally decided and reported in (2014) 13 Supreme Court Cases 341 are completely different from the facts of the present case. Hence, the aforesaid judgment is not at all applicable to the present case and accordingly will not benefit the petitioner.*

9. *Accordingly, Writ Petition is dismissed. No costs.”*

4. As could be seen, the Division Bench of this Court in identical set of facts has held that the judgment of the Hon'ble

Supreme Court, as cited by the petitioners, will be not applicable. The petitions were accordingly dismissed.

5. Mr. Patil, learned counsel further submits that Ms S. W. Deshpande, learned counsel who is appearing for the present petitioners, had represented petitioners therein before the Coordinate Bench and had presented the same argument, which has been turned down.

6. This vital fact is suppressed from us. Such conduct undermines the legal profession. The counsel was under obligation to apprise us of the view taken by the Coordinate Bench. Instead, she made an attempt to divert attention of the Court relying on the judgment in the case of *Daulat Sitaram Konode and Ors. supra* and pursued the matter for more than 45 minutes, knowing fully well that the fate of the petitions is already sealed/decided.

7. That being so and since the petitioners made an attempt to mislead the Court, we are not inclined to entertain these petitions. The writ petitions are accordingly dismissed with costs of Rs.5,000/- each. The petitioners shall, within one week from today, deposit the costs, in the Public Welfare Account maintained with Union Bank of India, High Court Branch, Civil Lines, Nagpur bearing Account No.129712010001014 and IFSC UBIN0812978, failing which the amount shall be recovered as land revenue.

8. Copy of the order shall be served upon the respective petitioners.

(JUDGE)

(JUDGE)