



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 10983 OF 2026
IN FAST/36200/2019

Tukaram Buvaji (Dead)
Through L.Rs.

1. Vithal S/o Tukaram,
Age: 52 years, Occ: Agri.

2. ~~Bhagubai W/o Tukaram,~~
Died.

Applicant no.2 is deleted vide order dated 15.10.2026.

....**APPLICANTS**
(Ori. Claimants)

VERSUS

1. The Executive Engineer,
Lower Dudhna Project, Division Selu,
Now Executive Engineer Irrigation Division,
Near Motibag, Jalna, Dist. Jalna

2. The State of Maharashtra,
Through Dist. Collector, Jalna,
Dist. Jalna.

3. The Special Land Acquisition Officer (M.I.W.),
Jalna, Dist. Jalna

.....**RESPONDENTS**
(Ori. Respondents)

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Mr. V. M. Humbe, Advocate for Applicant
Mr. K. B. Jadhavar, AGP for Respondents-State
Mr. N. U. Yadav, Advocate for Respondent no.1

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CORAM : AJIT B. KADETHANKAR, J.

DATED : 15TH OCTOBER, 2026

P.C. :-

CIVIL APPLICATION NO. 10983 OF 2026

. This is an application seeking condonation of delay of 1084 days caused in filing the First Appeal against the judgment and award dated 01.09.2016 passed in Land Acquisition Reference No.76 of 2010 by learned 3rd Joint Civil Judge Senior Division, Jalna.

2. The reasons for delay are elaborately and descriptively stated in paragraph nos.2 to 6 of the application. The applicant undertakes not to claim any statutory benefit and interest over the delayed period.

3. Mr. N. U. Yadav, learned Advocate for Acquiring Body fairly prays to pass appropriate order.

4. For the reasons stated in the application and in view of the law laid down by the Hon'ble Supreme Court in the case of *Suresh Kumar Vs. State of Haryana and ors., (Civil Appeal arising out of (C) No.670/2020) and connected matters decided on 23.04.2025*, I pass following order:

ORDER

- a. Civil Application stands allowed.
- b. Delay of 1084 days caused in filing the First Appeal stands condoned.

c. It is clarified that the applicant shall not be entitled for the statutory benefit and interest for the period of delay.

d. Civil Application stands disposed of.

FIRST APPEAL ST. NO.36200 OF 2019

. At the outset, Mr. V. M. Humbe, learned Advocate or the appellant submits that during pendency of the First Appeal, appellant no.2 Bhagubai w/o Tukaram is died. It is submitted that appellant No.1 Vithal s/o Tukaram is the sole legal representative of deceased Bhagubai. In view of this, he seeks leave to delete the name of appellant no.2/Bhagubai.

2. Leave granted. Amendment be carried out forthwith.

3. Issue notice to the respondents. Mr. N. U. Yadav, learned Advocate waives service of notice for Acquiring Body. Learned AGP waives service of notice for respondent nos.2 and 3.

4. The appellant is claiming enhancement of compensation and he is aggrieved by judgment and award passed by learned 3rd Joint Civil Judge Senior Division, Jalna in Land Acquisition Reference No.76 of 2010 dated 01.09.2016. Appellant is relying upon previous judgment rendered by this Court. Learned Advocate for the appellant has placed on record

summery of his arguments along with chart for the ready reference. Besides that, judgment and order dated 14.11.2025 passed in First Appeal No. 2259 of 2021 by this Court has also been placed on record for ready reference.

5. Learned Advocate Mr. N. U. Yadav, for the respondent vehemently submitted that there is difference in the notification, location of the land and the pattern, hence parity cannot be applied. It is further submitted that the claim of escalation of 12% is unreasonable and arbitrary. It is vehemently submitted that there is no binding precedent laid down in the matter of *the Central Warehousing Corporation Vs. Thakur Dwara Kalan UI-Maruf Baraglan Wala (Dead) and others* reported in *(2020) 19 SCC 236*.

6. The lands of the claimant situated at gut nos.68/15 and 10/2 admeasuring 5 R and 2 H 35 R of village Salgaon, Tq. Patur, Dist. Jalna were acquired for the purpose of Nimna Dudhna Project Selu. The notification U/Sec. 4 of the Land Acquisition Act ("the Act" for brevity) was issued on 10.12.1998. The Special Land Acquisition Officer awarded rate of Rs.590/- and Rs.713/- per R respectively. The Reference Court enhanced the compensation and granted

Rs.2,000/- per R for the acquired lands of the claimant. The appellant is claiming rate of Rs. 2,500/- per R with escalation of 12% per annum.

7. A consistent view has been taken by this Court which can be reflected from the following chart that claimants are entitled to have rate of Rs. 2,500/- per R for dry land.

Sr. No.	Name of Village	Sec. 4 Notification date	Rate per R. granted by Hon'ble High Court and accepted by acquired body	First Appeal No.
1.	Satona (Bk.)	31.03.1996	Rs. 2500/- for dry land.	4285 of 2022
2.	Raniwahegaon	23.06.1995	Rs. 2,400/- for dry land.	1958 of 2018
3	Deola	13.07.1995	Rs.2,400/- for dry land.	2485 of 2016

8. The material placed on record indicates that the lands from the surrounding villages were acquired for the self same project. The rate of Rs.2,500/- per R for dry land was awarded. I have gone through the judgments of the coordinate benches referred in above chart. Relying on the same I have also taken a view vide judgment dated 14.11.2025 passed in First Appeal No. 2259 of 2021 upholding the rate of Rs.2,500/- per R with permitted increases of escalation of

10% per annum. In view of the judgments of the Supreme Court in the matter of *Ali Mohammad Beig and others Vs. State of J. & K* reported *AIR 2017 SC 1518*, *Huchanagouda Vs. The Assistant Commissioner and Land Acquisition Officer and others (supra)* and *the Central Warehousing Corporation Vs. Thakur Dwara Kalan UI-Maruf Baraglan Wala (Dead) and others* reported in *[2023] 14 SCR 926*, I am of the considered view that the appellant is entitled to get rate of Rs.2,500/- per R. Its matter of record that the acquiring body did not lead any evidence before the Reference Court.

9. Appellant is claiming escalation of 12% per annum in the present appeal. Considering the date of notification in the present matter and the notification issued in above referred matters, the escalation of 10% per annum is appropriate. In that view of the matter the appellant is entitled to have escalation as follows

- i. First Year - 10% $2500 + 250 = 2,750$.

The rate comes to Rs. 2,750/- per R for dry land.

In view of above First Appeal deserves to be allowed.

10. For the reasons stated above, I therefore pass following order.

ORDER

- i. First appeal stands allowed partly.
- ii. Impugned judgment and award passed by learned 3rd Joint Civil Judge Senior Division, Jalna in Land Acquisition Reference No.76 of 2010 dated 01.09.2016 stands modified holding the appellant entitled to have rate of Rs. 2750/- per R of his acquired dry lands.
- iii. Save and except the above modification, the remaining judgment and award shall be maintained.
- iv. Award be drawn accordingly.
- v. The interest part shall be governed by the full bench judgment of this Court in the case of ***State of Maharashtra Vs. Kailash Shiva Rangari, 2016(3) Mh.L.J. 457.***
- vi. Acquiring Body shall deposit the compensation in this Court within a period of six months from today. Upon deposit of such amount, claimant shall be at liberty to withdraw such amount without making any separate application.
- vii. The appellant shall pay the deficit court fees, if any.
- viii. The record and proceedings shall be sent back to the Reference Court.
- ix. Civil Application if any, stands disposed of.

(AJIT B. KADETHANKAR, J.)