



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 FIRST APPEAL NO. 1234 OF 2017

Basvantabai Munjaji Dhawale
VERSUS
The State Of Maharashtra And Others

.....

29 FIRST APPEAL NO. 1235 OF 2017

Ganesh Kishanrao Dhawale And Another
VERSUS
The State Of Maharashtra And Others

.....

30 FIRST APPEAL NO. 1236 OF 2017

Munjaji Wamanrao Dhawale
VERSUS
The State Of Maharashtra And Others

.....

31 FIRST APPEAL NO. 1237 OF 2017

Kalidas Munjaji Dhawale
VERSUS
The State Of Maharashtra And Others

.....

32 FIRST APPEAL NO. 1238 OF 2017

Baburao Vithalrao Gayke
VERSUS
The State Of Maharashtra And Others

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Mr. Dhananjay Mane, Advocate h/ Mr. N.R. Pawade, Advocate for Appellants
in all FAs

Mr. S.S. Dande, Mr. A.M. Phule, Mr. A.D.Wange, Mr. B.A. Shinde, AGPs for
Respondents NO.1 and 2 in respective matters.

Mr. B.R. Surwase, Advocate for Respondent No.3 in all FAs

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 04 SEPTEMBER, 2026

PER COURT :

1. Heard learned counsel for the respective parties.
2. The present appeals arise out of the common impugned Judgments and Awards dated 15.04.2015 and 17.04.2015 passed by the learned 2nd Joint Civil Judge, Senior Division, Parbhani, in Land Acquisition Reference Nos.25/2011, 14/2011, 15/2011, 16/2011 and 23/2011.
3. Learned counsel appearing for the appellants and learned counsel appearing for Respondent No.3 – Acquiring Body submit that the controversy involved in the present appeals is squarely covered by the order dated 13.03.2026 passed by this Court in CA/2333/2026 in FAST/3785/2026 (Ashok s/o. Vishnu Gayke and Others Vs. The State of Maharashtra and Others) and connected matters, wherein the Coordinate Bench relied upon the order dated 11.12.2025 passed in First Appeal No.1778 of 2024 (Pralhad Annasaheb Nirwal Vs. The State of Maharashtra and Others) and determined the market value by enhancing the compensation for the acquired dry lands at the rate of Rs.5,869/- per R. It is further submitted that, as the lands of the appellants were acquired from the same village, i.e. Salegaon, for the same public purpose, namely, the ‘Nimna Dudhana Project’, and under the very same notification as involved in the

said appeals, the present appeals may also be disposed of in terms of the said order. Learned AGP appearing for the State fairly concedes the aforesaid position.

4. Having considered the submissions advanced by learned counsel for the respective parties, and in view of the admitted position that the controversy involved in the present appeals is identical to the one decided by this Court by order dated 13.03.2026 passed in CA/2333/2026 in FAST/3785/2026 (Ashok s/o. Vishnu Gayke and Others Vs. The State of Maharashtra and Others) and connected matters, I see no reason to take a different view. The present appeals, therefore, deserve to be disposed of in terms of the said order.

5. As regards the categorization of the lands, the record reveals that the land acquired in First Appeal No.1234 of 2017 (L.A.R. No.25/2011) has been treated as seasonally irrigated land by the learned Reference Court. It further appears that the land acquired in First Appeal No.1238 of 2017 (L.A.R. No.23/2011) has been treated as dry land by the learned Reference Court. However, the record shows that the said land is seasonally irrigated land. Therefore, the claimants in First Appeal Nos.1234 of 2017 and 1238 of 2017 are entitled to compensation for their acquired seasonally irrigated lands at the rate of Rs.8,800/- per R. The aforesaid rate is arrived at by applying the factor of 1.5 to the rate determined for dry land, i.e. Rs.5,869/- x 1.5 = Rs.8,803.50 per R, which is rounded off to Rs.8,800/- per R.

6. As regards the lands acquired in First Appeal Nos.1235 of 2017 (L.A.R. No.14/2011), 1236 of 2017 (L.A.R. No.15/2011) and 1237 of 2017 (L.A.R. No.16/2011), the learned Reference Court has treated the lands as dry lands. Therefore, the claimants therein are entitled to compensation for their acquired dry lands at the rate of Rs.5,869/- per R. Hence, the following order:

ORDER

- (i) The First Appeals are partly allowed.
- (ii) The common impugned Judgments and Awards dated 15.04.2015 and 17.04.2015 passed by the learned 2nd Joint Civil Judge, Senior Division, Parbhani, in Land Acquisition Reference Nos.25/2011, 14/2011, 15/2011, 16/2011 and 23/2011 are modified to the aforesaid extent.
- (iii) The appellants-claimants in First Appeal Nos.1235 of 2017, 1236 of 2017 and 1237 of 2017 are entitled to receive compensation at the rate of Rs.5,869/- per R for their acquired dry lands.
- (iv) The appellants-claimants in First Appeal Nos.1234 of 2017 and 1238 of 2017 are entitled to receive compensation at the rate of Rs.8,800/- per R for their acquired seasonally irrigated lands.
- (v) The appellants shall not be entitled to interest and statutory benefits for the delayed period.

- (vi) The appellants-claimants shall be entitled to all statutory benefits under the Land Acquisition Act, 1894, in accordance with law.
- (vii) The appellants-claimants shall be entitled to interest under Sections 28 and 34 of the Land Acquisition Act, 1894, strictly in accordance with the Full Bench decision of this Court in ***State of Maharashtra Vs. Kailas Shiva Rangari, 2016 (3) Mh.L.J. 457.***
- (viii) The remaining part of the Judgments and Awards passed by the learned Reference Court shall remain unaltered.
- (ix) The modified awards be drawn accordingly.
- (x) The appellants-claimants shall pay the deficit Court fees, if any, on the enhanced compensation.
- (xi) The Record and Proceedings be sent back to the concerned Court, if any.
- (xii) Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE]
JUDGE