



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 FIRST APPEAL NO. 1758 OF 2024

RAJGIR DATTAGIR GIRI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Appellant : Mr. Chincholkar G. N.

AGP for Respondent/s-State : Mr. D. B. Bhange.

Advocate for Respondent No.2 : Ms. Chaitali Choudhari Kutti.

...

AND

933 FIRST APPEAL NO. 1761 OF 2024

ASHOK PUNDLIK DAPAKE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Appellant : Mr. Chincholkar G. N.

AGP for Respondent/s-State : Mr. B. A. Shinde.

Advocate for Respondent No.2 : Mr. M. C. Swami.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 25.07.2025

PER COURT :-

1. Heard both the sides.
2. These appeals can be disposed of by common order.
3. Learned counsel Mr. Chincholkar appearing for appellants has tendered on record a copy of common order dated 25.10.2023 passed in First Appeal No.103 of 2016 and connected appeals. It is contended that in same set of facts

and arising out of self same acquisition proceeding this Court inter alia relying on the judgment and order dated 16.01.2019 in First Appeal No.3133 of 2009, fixed the rate and allowed the appeals partly.

4. Learned counsels for the respondents do not have any serious objections.

5. Both the parties are ad-idem for following same course of action and reasoning as it was done by the Co-ordinate Bench in common order dated 25.10.2023 in above referred appeals. The present appeals are also emanating from self same acquisition proceeding and lands under acquisition are from same village. On the principles of parity, I find it fit to adopt the same rates which were quoted in paragraph No.3 of the order which are as follows :

- “(i) Rs. 1,25,000/- per Hector for dry land.
- (ii) Rs.1,87,500/- per Hector for semi irrigated land.
- (iii) Rs.2,50,000/- per Hector for perennially irrigated land.
- (iv) Rs.62,500/- per Hector for Potkharab land.”

6. Appellants are entitled to have interest under Sections 28 and 34 of the Land Acquisition Act, the enhanced amount of compensation from the date of passing of the award under Section 11 of the Act. They are entitled to have all the benefits

which were granted to the similarly situated claimants in First Appeal No.105 of 2016 and First Appeal No.3133 of 2009.

7. In that view of the matter, I pass following order :

ORDER

- a] The market value of the lands involved in the present appeals is determined @ Rs.1,25,000/- per Hector for dry land, Rs.1,87,500/- per Hector for semi-irrigated land, Rs.2,50,000/- per Hector for perennially irrigated land and Rs.62,500/- per Hector for Potkharab land.
- b] The appellants in the present appeals are accordingly held entitled for the enhancement in the amount of compensation as per the categories of their lands as shown in the award under Section 11 of the Act, as well as in the E-Statement.
- c] The appellants are also held entitled for the statutory benefits as are available under the provisions of the Act, on the enhanced amount of compensation.
- d] The appellants are also held entitled for the interest under Sections 28 and 34 of the Act, on the enhanced amount of compensation from the date of passing of the award under Section 11 of the Act i.e. 25.10.2004.
- e] The award be modified accordingly.

f] All other civil applications stand disposed off.

g] The appeals stand partly allowed in the aforesaid terms.

8. Needless to say that interest part is as awarded by the learned Trial Court and subject to judgment in the case of *State of Maharashtra Vs Kailash Shiva Rangari reported in 2016(3) Mh.L.J. 457*. Needless to say that claimants/appellants shall not be entitled to the interest part on the enhanced amount for the delayed period.

(SHAILESH P. BRAHME, J.)

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vmk/-