



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 4215 OF 2022

Sambhaji Shivaji Ambhure

.. Appellant

Versus

The State of Maharashtra and others

.. Respondents

Shri V. D. Bhise, Advocate h/f Shri Vijay B. Jogdand Patil

Advocate for the Appellant.

Shri S. V. Hange, A.G.P. for the Respondent Nos. 1 and 2.

Shri Sudhir D. Bhalerao, Advocate for the Respondent No. 3.

CORAM : SHAILESH P. BRAHME, J.

DATE : 17TH DECEMBER, 2025.

FINAL ORDER :

. Heard both sides finally.

2. Appellant is challenging judgment and award dated 06.09.2007 passed by the Reference Court in L. A. R. No. 554 of 1998. Learned counsel has placed on record a chart giving material particulars of the case and common judgment and award passed by this Court on 29th April, 2025 in First Appeal No. 197 of 2025 and connected matters to claim the parity. It is further submitted that appellant is entitled to receive rate of Rs. 1,728/- per R. His land is from village Shristi and it is dry land.

3. The claim is contested by the respondent – acquiring body on the ground that the Reference Court had awarded rate of Rs.

660/- per R in case of the acquisition of the lands in First Appeal No. 197 of 2025 and corrected matters. Whereas in the present case Reference Court awarded rate of Rs. 488/- per R for dry land, which discloses difference in nature of the land. It is further contended that the facts and circumstances of L. A. R. No. 272 of 2014 are not identical with the present case.

4. In peculiar circumstances and as rate was acquiesced by the Acquiring Body, the Coordinate Bench of this Court proceeded to fix the rate of Rs. 1,728/- per R. Learned counsel for the acquiring body submits that the appellant has not discharged the burden of proving the similarity and, therefore, in the absence of any independent evidence no enhancement can be granted.

5. In the case at hand land from village Shristi has been acquired for Kasura Brahat Project. In the common judgment dated 29th April, 2025 lands from self same village were acquired for the same project. Merely because the Reference Court awarded different rate cannot be a ground to deny the parity. The acquiring body did not lead evidence before the Reference Court.

6. This Court is guided by the law laid down by Ningappa Thotappa Angadi (Died) through L.Rs. Vs. Special Land Acquisition Officer reported in (2020) 19 SCC 599 and Huchanagouda Vs. The Assistant Commissioner and Land Acquisition Officer and others reported in (2020) 19

SCC 234 to award the self same rate when lands from the same village and for same project are acquired. He is entitled to receive compensation at the rate of Rs. 1,728/- per R. The appellant has voluntarily given up claim for escalation.

7. Needless to mention that interest shall be payable from the date of award.

8. I therefore pass following order.

O R D E R

A. First appeal is allowed partly.

B. The appellant shall be entitled to receive rate of Rs. 1,728/- per R.

C. The appellant is entitled to receive interest U/Sec. 28 and 34 of the L. A. Act. from the date of award.

D. The appellant shall not be entitled to interest and statutory benefits for the delayed period.

E. Save and except above, impugned judgment and award passed by the Reference Court shall remain unaltered.

F. Appellant shall pay deficit Court fees.

- G. Award be drawn up accordingly.
- H. Record and proceeding shall be sent back.

[SHAILESH P. BRAHME J.]

bsb/Dec. 25