



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

FIRST APPEAL NO. 748 OF 2021

Dagdoba Bhimrao Sathe,
Age : 72 Years, Occu. : Agril.,
R/o Village Salgaon, Tq. Partur,
Dist. Jalna.

.. Appellant

Versus

1. The State of Maharashtra,
Through the Collector, Jalna
having his office at Collector
Office, Jalna.
 2. The Special Land Acquisition
Officer, M.I.W., Jalna.
 3. The Executive Engineer,
Lower Dudhna Project Division,
Selu, Dist. Parbhani, since this
department is abolished at present
Jalna Irrigation Department, Jalna,
Office at Motibagh, Jalna,
Tq. and Dist. Jalna.
- .. Respondents

AND

FIRST APPEAL NO. 537 OF 2022

Hanumant Sakharam Dangat,
Age : Major Years, Occu. : Agril.,
R/o Village Revalgaon, Tq. Partur,
Dist. Jalna.

.. Appellant

Versus

1. The State of Maharashtra,
Through the Collector, Jalna

having his office at Collector
Office, Jalna.

2. The Special Land Acquisition
Officer, M.I.W., Jalna.
3. The Executive Engineer,
Lower Dudhna Project Division,
Selu, Dist. Parbhani, since this
department is abolished at present
Jalna Irrigation Department, Jalna,
Office at Motibagh, Jalna,
Tq. and Dist. Jalna. .. Respondents

Shri Deepak M. Kakde, Advocate for the Appellant in both
matters.

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

Shri Ruturaj Patil, Advocate for the Respondent No. 3 in both
matters.

CORAM : SHAILESH P. BRAHME, J.

CLOSED FOR JUDGMENT ON : 25.11.2025.
JUDGMENT PRONOUNCED ON : 03.12.2025.

JUDGMENT :-

. Heard both sides finally at the admission stage with their
consent.

2. The appellants are claiming enhancement of compensation
and they are aggrieved by judgment and award passed by the
Reference Court in their respective reference proceedings. In
both the cases they are relying upon previous judgment rendered
by this Court. Learned counsel for the appellants 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 me has also been placed on record for ready reference.

3. Learned counsel for the respondents 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*.

4. In both the matters lands are acquired for the purpos of Nimna Dudhna Project Selu.

First Appeal No. 748 of 2021 :

In First Appeal No. 748 of 2021 land Sy./Gut No. 4/2 and 9/1 admeasuring 1H 95R and 39R respectively situated at village Salgaon, Tq. Partur, Dist. Jalna was acquired. The notification U/Sec. 4(1) of the Land Acquisition Act (for the sake of brevity and convenience hereafter referred as to the “Act”) was issued on 10.12.1998. The S. L. A. O. awarded rate of Rs. 600/- per R. The Reference Court in L.A.R. No. 196 of 2011 enhanced it to Rs. 2,000/- per R. The appellant is claiming rate of Rs. 2,500/- per R with escalation of 12% per annum.

First Appeal No. 537 of 2022 :

In First Appeal No. 537 of 2022 land out of gut No. 29/2/3 admeasuring 2H 25R situated at village Revalgaon, Tq. Partur, Dist. Jalna was acquired. The notification U/Sec. 4(1) of the Act was issued on 12.07.1996. The reference Court enhanced the rate to Rs. 2,000/- per R. The appellant is claiming rate of Rs. 2,500/- per R.

5. 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 acquiring body	First Appeal No.
01.	Satona (Bk)	31.03.1996	Rs. 2,500/- for dry land	4285 of 2022
02.	Raniwahegaon	23.06.1995	Rs. 2,400/- for dry land	1958 of 2018
03.	Deola	13.07.1995	Rs. 2,400/- for dry land	2485 of 2016

6. 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 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 appellants are 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.

7. In First Appeal No. 748 of 2021 escalation of 12% per annum is claimed. Considering the date of notification in the present matters and the notification issued in above referred matters the escalation of 10% per annum is appropriate. In that view of the matter the appellants are entitled to have escalation as follows

First Appeal No. 748 of 2021 :

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

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

In case of First Appeal No. 537 of 2022, there is no time gap as such between the notifications in question and therefore, the appellants are entitled to rate of Rs. 2,500/- per R. In view of

above situation both the appeals are desirable to be allowed.

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

O R D E R

- i) First appeals are allowed partly.
- ii) Impugned judgment and award passed in L.A.R. No. 196 of 2011 is quashed and set aside and the appellants shall be entitled to have rate of Rs. 2750/- per R.
- iii) Impugned judgment and award passed in L.A.R. No. 659 of 2010 is quashed and set aside and the appellants shall be entitled to have rate of Rs. 2,500/- per R.
- iv) Save and except the above modification the remaining judgment and award shall be maintained.
- v) Award be drawn accordingly.
- vi) The appellants shall pay the deficit court fees.
- vi) The record and proceedings shall be sent back to the Reference Court.

[SHAILESH P. BRAHME J.]