

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 FIRST APPEAL NO. 1920 OF 2021

SURESH HARIBHAU MIRGE AND ANR

VERSUS

THE STATE OF MAHARASHTRA AND ORS

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Advocate for Appellants : Mr. Kakade Deepak M.

AGP for Respondent/s-State : Mr. S. V. Hange.

Advocate for Respondent No.3 : Mr. Arora Shyam C.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 18.12.2025

FINAL ORDER:-

1. Heard both sides finally with their consent.
2. Appellants are assailing judgment and award dated 12.02.2015 passed in LAR.No.1060 of 2010. Their land comprising of 3 H. 23 R. as dry land and 8 R. as Potkharab land from Gut No.4/4 from village Hatwan was acquired for Nimna Dudhana Project. The SLAO awarded rate of Rs.707/- per R. for dry land. The Reference Court enhanced it to Rs.2500/- per R. for dry land and consequentially Rs.1250/- per R. for Potkharab land.
3. Appellant is relying upon various judgments which are produced on record to claim Rs.2500/- per R. for dry land as it was done when land from village Satona was acquired for self-

same project and in that case, notification was issued on 31.03.1996. Appellant is also claiming escalation for four years. He is claiming rate of Rs.3659/- for dry land and consequentially Rs.1829/- for Potkharab land.

4. The submissions are contested by the respondent/acquiring body. It is contended that the ground of parity cannot be attracted. The rate which was given for lands from Satona village cannot be made applicable to the lands acquired from village Hatwan. Reliance is also placed on judgment of *Chimanlal Hargovinddas Vs. SLAO Poona and another ; [AIR 1988 Supreme Court 1652]*.

5. The issue involved in the present matter is no more res-integra. It is squarely covered by various judgments of this Court. Relying on those judgments, I have taken view that the claimants whose lands are acquired from surrounding village of Satona for Nimna Dudhana Project are entitled to receive rate of Rs.2500/- per R. on the ground of parity. The arguments advanced today have been elaborately dealt with in the latest judgment and order dated 11.12.2025 passed in FA.1778 of 2024 with connected matters.

6. Appellant is also entitled to have escalation for four years cumulative effect and rate of Rs.2500/- per R. for dry

land and Rs.1250/- R. for Potkharab land. Considering the escalation, it is justified in claiming rate of Rs.3659/- for dry land and Rs.1829/- for Potkharab land. It is desirable to allow the appeal. I, therefore, pass following order :

ORDER

- (i) First appeal is allowed partly.
- (ii) The appellant shall be entitled to receive rate of Rs.3659/- for dry land and Rs.1829/- for Potkharab land per R.
- (iii) Needless to mention that applicant shall be entitled to interest under Section 28 and 34 from the date of award.
- (iv) Save and except above modification. Rest of the impugned judgment and award shall remain unaltered.
- (v) Deficit court fees shall pay by the appellant.
- (vi) Award be drawn accordingly.
- (vii) Record and proceeding be sent back to the concerned Court.
- (viii) Appellant shall not be entitled for interest and statutory benefits for the delayed period.

(SHAILESH P. BRAHME, J.)

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