



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

P-01 FIRST APPEAL STAMP NO. 8435 OF 2021

Bhimrao Bhujangrao Maske
Since deceased through his L.Rs.
Gayabai (Died) through L.Rs.
Nanabhau Bhimrao Maske and others .. Appellants

Versus

The State of Maharashtra and others .. Respondents

Shri Vitthal D. Bhise, Advocate for the Appellants.
Shri S. U. Hange, A.G.P. for the Respondent Nos. 1 and 2.
Shri Shrinivas M. Ganachari, Advocate for the Respondent No. 3.

AND

P-10 FIRST APPEAL NO. 2507 OF 2022

Nanabhau Bhimrao Maske and others .. Appellants

Versus

The State of Maharashtra and others .. Respondents

Shri Vitthal D. Bhise, Advocate for the Appellants.
Shri R. N. Dayma, A.G.P. for the Respondent Nos. 1 and 2.
Shri Mahesh C. Swami, Advocate for the Respondent No. 3.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 19TH DECEMBER, 2025.**

FINAL ORDER :

. Heard both sides. Taken up for final hearing with the
consent of the parties.

2. Being aggrieved by judgment and award passed in L. A. R. No. 778 of 2010 and L. A. R. No. 644 of 2010, appellants have preferred these first appeals. They are claiming parity in view of consistent view taken by this Court in various judgments and lastly common judgment in group of appeals in First Appeal No. 1778 of 2024 in the matter of Pralhad Annasaheb Nirwal Vs. The State of Maharashtra and other connected matters.

3. Learned counsel for the respondents would oppose the submissions.

4. Following are the material particulars of the present appeals.

Sr. No.	First Appeal No.	L.A.R. No.	Land gut No.	Area	Date of Sec. 4 notification	Date of Award U/Sec. 11	Rate granted by S.L.A.O .	Rate awarded by Reference Court
1	St. 8435 of 2021	778 of 2010	23/1 55B	0H 38R 1H 56R	09.08.2002	28.10.2005	782/-	2500/-
2	2507 of 2022	644 of 2010	30 51	4H 90R 2H 87R	09.08.2002	28.10.2005	782/-	2500/-

5. The lands in the present cases are acquired from village Padali Pardhi, Tq. Partur, Dist. Jalna for Nimna Dudhana Project. Those are dry lands. The S. L. A. O. awarded rate of Rs. 782/- per R, which was enhanced to Rs. 2,500/- per R. The Reference Court while enhancing the rate, did not consider the claim for escalation. It is settled position of law that the claimants are entitled to escalation. By cumulative effect in the

matters arising out of self same award, the bench mark rate is of Rs. 2,500/- per R for the dry land acquired from village Satona in the wake of notification U/Sec. 4 of the Land Acquisition Act dated 31.03.1996. In couple of matters lands from Padali village were acquired and same rate was followed in awarding the compensation.

6. However, in the present cases, appellants are entitled for escalation for six years. It is desirable to allow the first appeals by awarding rate of Rs. 4,426/- per R for dry lands.

7. In view of the above, I pass following order.

O R D E R

- A. The first appeals are allowed partly.
- B. The appellants are entitled to receive rate of Rs. 4,426/- per R for dry lands.
- C. The interest U/Sec. 28 and 34 of the L. A. Act is payable from the date of award i. e. 20.11.2000 as per the judgment the State of Maharashtra Vs. Kailas Shiva Rangari reported in **2016(4) All MR 513..**
- D. Save and except above modification, impugned judgment and award shall stand unaltered.

- E. The appellants shall not be entitled to receive interest and statutory benefits for the delayed period.
- F. The appellants shall pay the deficit court fees.
- G. Award be drawn up accordingly.
- I. Record and proceeding shall be sent back.

[SHAILESH P. BRAHME J.]

bsb/Dec. 25