



This order is corrected vide speaking to the minutes order dated 2.5.2025

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

**903 FIRST APPEAL NO.197 OF 2025**

Sheshrao Abaji Ambhure Died Thr Lrs Shantabai Sheshrao  
Ambhure And Others

VERSUS

The State Of Maharashtra Through The Collector Jalna And  
Ors.

...

**WITH**

**FIRST APPEAL NO. 492 OF 2025**

Kishanrao s/o Apparao Ambhure (Died) through L.Rs.  
Mandakini w/o Kishanrao Ambhure and others.

Versus

The State Of Maharashtra Through The Collector Jalna And  
Others.

...

**WITH**

**FIRST APPEAL NO. 181 OF 2025**

**WITH**

**CIVIL APPLICATION NO. 1891 OF 2025 IN FA/181/2025**

Pranita d/o Kishanrao Ambhore  
(Pranita w/o Manisha Kadam)

Versus

The State Of Maharashtra Through The Collector Jalna And  
Others.

...

**WITH**

**FIRST APPEAL NO. 501 OF 2025**

**WITH**

**CIVIL APPLICATION NO. 3390 OF 2025 IN FA/501/2025**

Sharad s/o Namdeorao Ambhure (Died) through his L.Rs.  
Sandeep s/o Sharad Ambhure

Versus

The State Of Maharashtra Through The Collector Jalna And  
Others.

...

**WITH**

**FIRST APPEAL NO. 497 OF 2025**

Bhagwan s/o Narayanrao Ambhore (Died) through L.Rs.  
Kausalyabai w/o Bhagwanrao Ambhore and others.

Versus

The State Of Maharashtra Through The Collector Jalna And  
Others.

...

**WITH**

**FIRST APPEAL NO.499 OF 2025**

Bharat s/o Namdeorao Ambhure

Versus

The State Of Maharashtra Through The Collector Jalna And  
Others.

...

**WITH**

**FIRST APPEAL NO. 493 OF 2025**

Vitthal s/o Annasaheb Ambhure (Died) through L.Rs. Dadarao  
s/o Vitthalrao Ambhure and others.

Versus

The State Of Maharashtra Through The Collector Jalna And  
Others.

...

**WITH**

**FIRST APPEAL NO. 495 OF 2025**

Madhukar s/o Kishanrao Ambhure

Versus

The State Of Maharashtra Through The Collector Jalna And  
Others.

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**WITH  
FIRST APPEAL NO. 494 OF 2025**

Nivrutti @ Kiran s/o Vitthaoral Ambhure  
Versus  
The State Of Maharashtra Through The Collector Jalna And  
Others.

...

**WITH  
FIRST APPEAL NO. 498 OF 2025  
WITH  
CIVIL APPLICATION NO. 3387 OF 2025 IN FA/498/2025**

Sk. Kattu s/o Sk.Abdullah @ Abdul and others.  
Versus  
The State Of Maharashtra Through The Collector Jalna And  
Others.

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**WITH  
FIRST APPEAL NO. 500 OF 2025**

Shaikh Rabbani s/o Shaikh Lal  
Versus  
The State Of Maharashtra Through The Collector Jalna And  
Others.

...

**WITH  
FIRST APPEAL NO. 496 OF 2025  
WITH  
CIVIL APPLICATION NO. 3386 OF 2025 IN FA/496/2025**

Gulab s/o Deorao Ambhure (Died) through L.Rs. Kusumbai  
w/o Gulabrao Ambhure and others.

Versus  
The State Of Maharashtra Through The Collector Jalna And  
Others.

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Advocate for Appellant : Mr. V. D. Bhise  
AGP for Respondents 1,2 : Mr. V. S. Badakh  
Advocate for Respondent no.3 : Mr. M. S. Kulkarni  
(In all first appeals)

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**CORAM : S. G. CHAPALGAONKAR, J.****Reserved on : April 08, 2025****Pronounced on : April 29, 2025.****FINAL ORDER :-**

1. The appellant/s in all these first appeals impugn the judgment and award passed by the Reference Court under section 18 of the Land Acquisition Act and seeking enhancement of the compensation, as per the chart given below.

2. The appellant/s are the owners of land situated at village Shrishti, Tq. Partur, District Jalna. State of Maharashtra constructed a Minor Irrigation Tank under “Kasura Bruhat Laghu Patbandhare Prakalpa” of village Shrishti and for that purpose acquired portions of the land of the appellants. After acquisition, notice under section 12(2) of the Act was served upon them. The appellant/s, after receiving compensation under protest filed Land Acquisition References seeking enhancement of the compensation. The learned District Judge, Jalna vide its judgment and order partly allowed the references and market value of the dry land was fixed by the Reference Court @ Rs.660 per R and Rs.23 per R for Potkharab land. The details of LAR numbers, particulars of notifications under

section 4 in reference to impugned orders in particular are given herein-under in tabular form for the purpose of brevity.

| Sr.No | F.A. No. | Judgment Date and authority                 | LAR No.     | u/s 4 notification date |
|-------|----------|---------------------------------------------|-------------|-------------------------|
| 1.    | 197/2025 | 3.7.2007<br>Adhoc District Judge-1, Jalna   | 148 of 1999 | 09.01.1997              |
| 2.    | 492/2025 | 18.08.2010<br>District Judge-2, Jalna       | 179 of 2005 | <b>06.07.2000</b>       |
| 3.    | 181/2025 | 24.06.2009<br>District Judge-2, Jalna       | 20 of 2004  | 09.01.1997              |
| 4.    | 501/2025 | 22.01.2008<br>Adhoc District Judge-1, Jalna | 550 of 1998 | 21.09.1995              |
| 5.    | 497/2025 | 22.08.2008<br>District Judge-3, Jalna       | 585 of 1998 | 21.09.1995              |
| 6.    | 499/2025 | 29.09.2007<br>Adhoc District Judge-1, Jalna | 525 of 1998 | 21.09.1995              |
| 7.    | 493/2025 | 27.04.2009<br>District Judge-2, Jalna       | 539 of 1998 | 21.09.1995              |
| 8.    | 495/2025 | 29.09.2007<br>Adhoc District Judge-1, Jalna | 528 of 1998 | 21.09.1995              |
| 9.    | 494/2025 | 15.02.2008<br>Adhoc District Judge-1, Jalna | 597 of 1998 | 31.07.1998              |
| 10.   | 498/2025 | 29.09.2007<br>Adhoc District Judge-1, Jalna | 543 of 1998 | 21.09.1995.             |
| 11.   | 500/2025 | 01.02.2008<br>Adhoc District Judge-1, Jalna | 152 of 1999 | 09.01.1997              |
| 12.   | 496/2025 | 17.03.2010<br>District Judge-2 Jalna        | 173 of 2005 | 06.07.2000              |

3. Learned advocate appearing for the appellant/s submits that in LAR No.272 of 2014, which pertains to same acquisition, the learned Civil Judge S.D. at Jalna fixed compensation of or irrigated acquired land @ Rs.3,456/- per R. Similarly, in LAR No.268 of 2014 rate is fixed @ Rs.2,700/- per R for lands from adjacent village i.e. Daithan. He would therefore submit that, in view of law laid down by the Supreme Court of India in case of **Ningappa Thotappa Angadi (Died) Through Legal Representatives Vs. Special Land Acquisition Officer** reported in (2020) 19 SCC 599, the **Union of India Vs. Bal Ram and another** reported in AIR 2004 SC 3981, **Ali Mohammad Baig and ors. Vs. State of Jammu and Kashmir** reported in AIR 2017 SC 1518 and **K. Periasamia Vs. Sub Tahsildar (Land Acquisition)** reported in (1994) 4 SCC 180, it is necessary to maintain parity of compensation and avoid discrimination between the land owners who lost lands in same acquisition.

4. Learned advocate appearing for the acquiring body submits that impugned judgment and award is passed in the year 2009 on the basis of evidence that was tendered before the Reference Court. Present appeals are filed with

delay of about 15 years and enhancement is sought on the basis of judgment delivered in the year 2024 pertaining to LAR that was filed in the year 2015. He would therefore submit that the appellants cannot seek benefit of subsequent judgment which is based on its own merit evidence. However, he fairly concedes that the judgment in LAR No.272 of 2014 has been acquiescent and compensation amount is released to the claimants.

5. Having considered the submissions advanced, it can be observed that lands of the appellant/s was acquired for minor irrigation tank namely 'Kasura Bruhat Laghu Patbandhare Prakash of village Srishti'. It is not disputed that the LAR No.272 of 2014 pertains to the same acquisition. The Reference Court determined value of the dry land @ **Rs.1,728/- per R, for partially irrigated land Rs.2,592/- per R, for fully irrigated land Rs.3,456/- per R and for Potkharaba land Rs.864/- per R.** The aforesaid award has been satisfied by the respondents. At this stage, reference can be given to the observation of the Supreme Court of India in case of Ningappa (supra), particularly, the question as raised in paragraph no.5, which reads thus :-

“5. The present appellant(s) who was/were also aggrieved by the impugned judgment of Karnataka High Court did not file the appeal along with other similarly situated land owners. He has come to this Court after a considerable long period seeking parity with the other ex-appropriated land owners and craves for restoration of the compensation as was awarded by the Reference Court. The short question which, thus, falls for consideration is whether the appellant(s) whose predecessor-in-interest did not assail the High Court order in respect of the land which is subject matter of this appeal as expeditiously as the other land owners under the same acquisition, be allowed to get the same compensation despite a delay of 2928 days and if so, whether they are entitled to seek interest as well?

6. And finally concluded in paragraph no.10, which reads thus :-

“10. The appellant(s) are also similarly placed claimants. They are, thus, entitled to seek parity and claim the same amount of fair and just compensation as has been awarded to other land owners. The appellant(s) are, however, not entitled to seek interest for the period for which they did not approach this Court.”

7. Applying the aforesaid exposition of law to the present case, appellant/s are also entitled for equal compensation as has been awarded to the other land holders from the same acquisition by applying rule of parity. However, they would not be entitled for the interest and statutory benefit for the period of delay i.e. from the date of decision of the

Reference Court in respective Land Acquisition Reference till filing of the appeal/s before this Court. Further, the interest shall be payable from the date of Award under section 11 of the Land Acquisition Act as per the law laid down by the Full Bench of this Court in case of **State of Maharashtra Vs. Kailash Rangari reported in 2016(3) Mh.L.J.457**. Hence, the claimants are not entitled for interest from the date of issuance of notification under section 4 which the Reference Court had wrongly granted. In the result, following order is passed :-

#### O R D E R

- i. **First appeal nos.** 197/2025, 492/2025, 181/2025 with CA 1891/2025 in FA 181/2025, 501/2025 with CA 3390/2025 in FA 501/2025, 497/2025, 499/2025, 493/2025, 495/2025, 494/2025, 498/2025 with CA 3387/2025 in FA 498/2025, 500/2025 and First Appeal 496/2025 with CA 3386/2025 in FA 496/2025 are partly allowed with proportionate costs.
- ii. The appellant/s shall be entitled for the enhanced compensation of their land i.e. for dry land @ **Rs.1,728/-** per R, for partially irrigated land **Rs.2,592/-** per R and for fully irrigated land **Rs.3,456/-** and for Pot Kharaba land @ **Rs.864/-** Per R based on the **class** of their lands alongwith the statutory benefits, excluding interest and

**statutory benefits for the period of delay** as well as for the period from the date of notification under section 4 of the Act till the date of Award under section 11 of the Act.

- iii. All First Appeals are accordingly disposed of.
- iv. In view of disposal of first appeals, all pending civil applications stand disposed of.

( S. G. CHAPALGAONKAR )  
Judge.

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