



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

FIRST APPEAL NO. 3777 OF 2023

Chhagan Karbhari Kakde .. Appellant

Versus

The State of Maharashtra, through
the Collector Jalna and others .. Respondents

Shri Kailas B. Jadhav, Advocate for the Appellant.
Shri N. R. Dayma, A.G.P. for the Respondent Nos. 1 and 2.
Shri Shyam C. Arora, Advocate for the Respondent No. 3.

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

FINAL ORDER :

. Heard both sides finally.

2. Appellant is challenging judgment and award dated 12.09.2008 passed in L.A.R. No. 575 of 1998. According to the learned counsel for the appellant present appeal is squarely covered by the consistent view taken by this Court in enhancing the compensation of the lands acquired for Nimna Dudhna Project from village Satona and surrounding villages. It is submitted that the appellant is entitled to rate of Rs. 2,712.45 paise per R considering the escalation.

3. Learned counsel for the respondent No. 3 – acquiring body oppose the submissions. He would submit that ground of parity

cannot be attracted and appellant has failed to make out independent case for enhancement of compensation.

4. In the present matter land of 1H 20R from gut No. 39/3 stood acquired for Nimna Dudhna Project and it was from village Mapegaon. The village is within the vicinity of village Satona. These villages form a cluster. This Court has treated rate of Rs. 2,500/- per R for dry land as a bench mark and accordingly enhanced the rate in various matters. I find no difficulty in applying the said rate to the present appellant also. Following are the material particulars.

Sr. No.	First Appeal No.	L. A. R. No.	Land Gut No.	Area acquired	Notification U/Sec. 4	Date of Award	Rate granted by SLAO	Rate granted by Reference Court
1	3777 of 2023	575 of 1998	39/3	1H 20R	06.02.1997	23.02.1998	552/- Per R	1200/- per R

5. In the present matter appellant is claiming escalation at the rate of 10% per annum for ten months and six days. He is entitled to escalation and is justified in claiming rate of Rs. 2,712/- per R round figure instead of Rs. 2,712.45 paise per R. His case is squarely covered by detailed judgment rendered by this Court in First Appeal No. 1778 of 2024 in the matter of Pralhad Nirval Vs. The State of Maharashtra.

6. I, therefore, pass following order.

O R D E R

- A. First appeal is allowed partly.
- B. Appellant is entitled to receive rate of Rs. 2,712/- per R for the acquired land.
- C. Appellant shall not be entitled to interest and statutory benefits for the delayed period.
- D. The appellant is entitled to receive interest U/Sec. 28 and 34 of the Land Acquisition Act as per the judgment of the Full Bench of this Court in the matter of the the State of Maharashtra Vs. Kailas Shiva Rangari reported in *2016(4) All MR 513*.
- E. Save and except above, the impugned judgment and award shall stand unaltered.
- F. The appellant shall pay deficit court fees.
- G. Award be drawn up accordingly.
- H. Record and proceedings shall be sent back.

[SHAILESH P. BRAHME J.]