



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

FIRST APPEAL NO. 2677 OF 2025

Devibharti Jankiram Kadam @
Devibharti Bharatrao Gholkar .. Appellant

Versus

The State of Maharashtra and others .. Respondents

Shri Vitthal D. Bhise, Advocate for the Appellant.
Mrs. M. N. Ghanekar, A.G.P. for the Respondent Nos. 1 to 3.
Shri G. S. Khaire, Advocate h/f Shri S. S. Dande, Advocate for
the Respondent No. 4.

CORAM : SHAILESH P. BRAHME, J.
DATE : 11TH DECEMBER, 2025.

FINAL ORDER :

. Heard both sides finally with their consent.

2. Appellant seeks enhancement of compensation and for that purpose she is questioning judgment and award dated 23.08.2024 passed by the Reference Court in L. A. R. No. 128 of 2011.

3. The Special Land Acquisition Officer has granted rate of Rs. 865/- per R. for jirayat land, which is enhanced by the Reference Court by Rs. 01/- only. Hence Reference Court granted additional Rs. 428/- with other benefits. The notification U/Sec. 4 of the Land Acquisition Act was issued on 30.09.2004. Award

was passed on 28.08.2006. Appellant is claiming Rs. 5,358.94 per R considering escalation for eight years as per 10% per annum.

4. The judgment is squarely covered by common judgment delivered by the Coordinate Bench on 07.02.2023, which *inter alia* relied upon the previous judgments. The land in the present appeal is situated at village Bramhawakadi and it was acquired for Nimna Dudhna Project. In the matters before the Coordinate Bench lands were acquired from village Devala and rate of Rs. 2,400/- per R was fixed for dry land and accordingly compensation was awarded. In various matters the rate given to the lands acquired from village Satona having rate of Rs. 2,560/- per R was fixed and the enhancement was given. I propose to adopt rate of Rs. 2,500/- per R for dry land. Village Satona is adjacent to Bramhawakadi.

5. The claim for escalation made by the learned counsel for the appellant is justified in view of judgments of the Supreme Court in the matter of Ali Mohammad Beig and others Vs. State of J. & K reported *AIR 2017 SC 1518*, and Huchanagouda Vs. The Assistant Commissioner and Land Acquisition Officer and others reported in *(2020) 19 SCC 234* Appellant is entitled to receive 10% escalation per year for eight years. The notification U/Sec. 4 of the L. A. Act was issued on 13.06.1996 in case of acquisition of land from village Satona for which rate of Rs. 2,500/- was fixed. The appellant is entitled to rate of Rs. 5,358.94 paise per R considering escalation of eight years. I, therefore, pass following order.

O R D E R

- A. First Appeal is allowed partly.
- B. Impugned judgment and award stands modified to the extent of rate of Rs. 5,358.94 paise per R.
- C. The appellant is entitled to receive interest from the date of award as per the Full Bench Judgment in the matter of the State of Maharashtra Vs. Kailas Shiva Rangari reported in **2016(4) All MR 513**.
- D. Rest of the judgment and award passed by the Reference Court shall remain unaltered.
- E. Award be drawn accordingly.
- F. Record and Proceedings be sent back to the Reference Court.
- G. Appellant shall pay deficit court fees.
- H. Appellant shall not be entitled for interest and statutory benefits for the delayed period.

[SHAILESH P. BRAHME J.]