



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

28 FIRST APPEAL NO. 3405 OF 2023

POPAT NARAYAN PATIL
VERSUS
THE SPECIAL LAND ACQ. OFFICER AND ANR

AND
FIRST APPEAL NO. 1847 OF 2023

BHIMRAO LAXMAN SAPKALE (DIED) THROUGH L.RS. YASHWANT AND
OTHERS
VERSUS
THE SPECIAL LAND ACQ. OFFICER AND ANR

FIRST APPEAL NO. 1848 OF 2023

NARAYAN BHIKA PATIL AND OTHERS
VERSUS
THE SPECIAL LAND ACQ. OFFICER AND ANR

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Mr. S. A. Kale h/f. Mr. A. B. Kale, Advocate for Appellants
Mr. N. R. Dayma, AGP for Respondents/State
Mr. Sandesh R. Patil, Advocate for Respondent No.2

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CORAM : SHAILESH P. BRAHME, J.

DATE : 09.12.2025

PER COURT :-

. These appeals can be disposed of by common judgment and order.
The issue involved is no more res integra. The appellants are claiming

enhancement of compensation to challenge the impugned judgment and award. Following are the material particulars of the appeals.

F.A.No.	LAR No.	Notification u/4	Date of Award
3405 of 2023	83/2006	23.12.1997	21.12.2000
1847 of 2023	1372/2005	22.11.1997	20.11.2000
1848 of 2023	1370/2005	22.11.1997	20.11.2000

2. Undisputedly, the lands acquired in the present proceedings are Jirayat land and acquired for Waghur project. The lands are located at village Khadgaon and Hingane Bk. which are adjoining. The SLAO granted rate of Rs.25,875/- per Hectar to Rs.43,700/- per Hectar which is enhanced to Rs.1,80,000/- per Hectar. In case of First Appeal No.3405 of 2025, Reference Court enhanced the rate to Rs.1,25,000/- per Hectar.

3. Reliance is placed on the judgment of the Division Bench in Special Land Acquisition Officer (III) Jalgaon and another vs. Bhagwat Vithal Sonwane [2009 (4) Mh.L.J. 308] for claiming parity and rate of Rs.2,00,000/- per Hectar for dry land. This Court has consistently following the judgment of coordinate benches in various matters. One such order dated 04.12.2025 passed in First Appeal No.1852 of 2023 and the connected appeals is placed on record.

4. Learned counsel for the acquiring body opposes the submissions and plea of parity. It is contended that appellants will have to demonstrate independently their entitlement to the enhancement of the compensation. It is contended that the Reference Court has rightly determined the rate and the compensation. Learned counsel further submits that in earlier matter, the lands acquired were situated in village Khadgaon but in First appeal no.3405 of 2023, it is situated at village Hingane Bk. which a different place.

5. I have considered the rival submissions of the parties. The lands in question are acquired for Waghur project those are from village Khadgaon and Hingane Bk. which are from the same vicinity. No different treatment can be given to the claimants whose lands are acquired for same project. Learned counsel for the appellants has rightly referred to the judgment of the Division Bench. Appellants are also entitled to enhancement to the extent of Rs.2,00,000/- per Hector.

6. It is made clear that the interest is payable from the date of award by following the judgment of the Full Bench in the case of **State of Maharashtra vs. Kailash Shiva Rangari** reported in **2016(3) Mh.L.J.**,

ORDER

- (i) First Appeals are allowed partly.
- (ii) Appellants are entitled to receive compensation at the rate of Rs.2,00,000/- per Hectar for the lands under the acquisition.
- (iii) Appellants are also entitled to that interest from the date of award.
- (iv) Save and except above, the remaining award passed by the Reference Court shall stand confirmed.
- (v) Appellants shall not be entitled to the interest and statutory benefit for the delayed period caused in preferring the First Appeals.

(SHAILESH P. BRAHME, J.)

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