



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 FIRST APPEAL NO. 3484 OF 2023

PANDURANG VITTHAL PATIL (DIED) THR LRS MIRABAI AND
ORS

VERSUS

THE COLLECTOR, JALGAON AND ORS

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Advocate for Appellants : Ms. S.A.Kale h/f Mr. Kale A.B.

AGP for Respondents-State : Mr. S. V. Hange.

Advocate for Respondent No.3 : Mr. Rahul A. Tambe.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 04.12.2025

PER COURT :-

1. Heard learned counsels for respective parties.
2. This appeal is arising out of the judgment and award passed in LAR No.58 of 2004. The acquisition pertains to house property bearing Gram Panchayat House No.409 admeasuring 29.45 square meter, situated at Khadgaon, Taluka Jamner, District Jalgaon. The notification under Section 4 was issued on 01.01.1998. The rate awarded by SLAO was Rs.52/- Square Meter for land and 2056 per Square Meter for the built up area. The reference Court enhanced it to Rs.4112/- square meter for built up area.

3. Learned counsel for the appellants has placed reliance on the common judgment and award passed by this Co-Ordinate Bench on 01.12.2023, in First Appeal No.2437 of 2023 and others. For the house property the reliance is placed on the judgment rendered on 11.09.2023 in LAR No.2563 of 2023 Narendra Vijaysingh Girase Vs. Collector. In respect of the house property, consistently, it is held that the claimants are entitled to 85% of the valuation report submitted by the appellants.

4. The above ratio has not been followed by Reference Court in the present case. The Reference Court deducted 25% rates as per the valuation given by the expert which is arbitrary. The appellants are entitled to 85% of the valuation report. I, therefore, pass following order :

ORDER

- (i) First Appeal is allowed partly.
- (ii) The judgment and award dated 20.06.2011 to the extent of the rate is modified and it is held that appellants shall be entitled to the rate of 85% of the valuation report and accordingly compensation shall be calculated.
- (iii) Save and except. Rest of the award passed by the Reference Court shall stand maintained.

- (iv) Appellants shall not be entitled to the interest and statutory benefits for the delayed period.

(SHAILESH P. BRAHME, J.)

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vmk/-