



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

FIRST APPEAL NO. 2390 OF 2023

Chandrakant Ganpatrao Deshpande

.. Appellant

Versus

The State Of Maharashtra

Through The Collector, Jalna And Others

.. Respondents

Mr. Kailas B. Jadhav, Advocate for the Appellant.

Mr. R. B. Dhaware, AGP for Respondent Nos. 1 & 2.

Mr. S. C. Arora, Advocate for Respondent No. 3.

CORAM : KISHORE C. SANT, J.

DATE : 16th OCTOBER, 2025.

PER COURT :-

1. This appeal is by the original claimant seeking enhancement of compensation challenging judgment in L.A.R. No. 84/2018 passed by the Joint Civil Judge Senior Division, Jalna by order dated 17.02.2023 only to that extent.
2. Heard the parties.
3. The learned advocate for the appellant mainly submits that this Court in First Appeal No. 2653/2017 with other connected appeal by judgment dated 03.02.2025 has allowed the appeals by

granting compensation at the rate of Rs. 2400/- per R in cases of non irrigated land, Rs. 3600/- per R for semi irrigated land, Rs. 4800/- per R for irrigated land and Rs. 1200/- per R for pot kharaba land, whichever is lesser. He submits that, the said appeal also had arisen from the same acquisition proceedings i.e. C.R. No. 31/1995 Partur, Jalna. He submits that, since the present appeal also arises from the same acquisition proceedings, the rate awarded in the said appeal needs to be granted in the present appeal.

4. The learned advocate Mr. Arora for respondent No. 3 accepts that, the First Appeal No. 2653/2017 is decided with the rates as stated above.

5. This Court thus finds that, since the present appeal also arises out of the same land acquisition proceedings, now it is a trite law that, under the same acquisition proceedings uniform rate is to be granted to the lands depending upon the category of the land. In the present case, the land is taken to be non irrigated land and some land in pot kharaba. To that extent there is no dispute about finding recorded by the learned Reference Court.

The dispute is only as regards the rate applied. Since this Court has already taken a view in First Appeal No. 2653/2017, the present appeal also can be disposed of by granting the same rate. Hence, following order :

ORDER

(i) The appellant – claimant shall be entitled to receive compensation at the rate of Rs. 2400/- per R for non irrigated land and Rs. 1200/- per R for pot kharaba land, whichever is lesser.

(ii) Award be prepared accordingly.

(iii) The acquiring body to deposit the amount of compensation within eighteen (18) months from today as per this order. The appellant - claimant shall not claim any interest if the amount is deposited within eighteen (18) months from today in the office of this Court. If no amount is deposited within eighteen (18) months, the amount to carry interest as per provisions of law.

(iv) It is further made clear that, for the period of delay i.e. caused while filing the appeal, the appellant – claimant shall not be entitled to claim any interest and statutory benefits which are

otherwise applicable.

(v) The statutory interest to be paid as per the judgment in the case of **State of Maharashtra Vs. Kailash Shiva Rangari** reported in **2016 (4) All MR 513.**

(vi) After the amount is deposited, the same be disbursed to the appellant – claimant.

(vii) With this, the first appeal stands disposed of.

(KISHORE C. SANT, J.)

P.S.B.