



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

5 FIRST APPEAL NO. 567 OF 2011

1. Panditrao Bhausahab Ambhure
Age 55 years, Occ. Agri. & Service
R/o. Shrishti, Tq. Partur
District Jalna
 2. Gangadhar s/o Panditrao Ambhure
Age 35 years, Occ. Agriculture
R/o. As above
- ...Appellants
(Ori. claimants)

Versus

1. The State of Maharashtra
Through the Collector, Jalna
District Jalna
 2. The Executive Engineer,
Minor Irrigation Division-1,
Jalna, District Jalna
 3. The Special Land Acquisition
Officer (Minor Irrigation) Jalna
Tq. and District Jalna
- ...Respondents
(Ori. respondents)

...
Advocate for Appellant : Mr. Vitthal D. Bhise
AGP for Respondent Nos. 1 and 3: Mr. A.A. Khan
Advocate for Respondent No.2 : Mr. B.R. Surwase

.....
AND

6 FIRST APPEAL NO. 1413 OF 2013
WITH
CIVIL APPLICATION NO. 3738 OF 2020

Ramkrishna Mokindrao Ambhore
(Since deceased, through L.Rs.)
Renukabai w/o Ramkrishna @ Ramkishan
Ambhore
Age 72 years, Occ. Agriculture

R/o. Shrishti, Tq. Partur,
District Jalna

...Appellant
(Ori. Claimant)

Versus

1. The State of Maharashtra
Through the Collector, Jalna
District Jalna
2. The Special Land Acquisition
Officer (Minor Irrigation) Jalna
Tq. and District Jalna
3. The Executive Engineer,
Minor Irrigation Division-1,
Jalna, District Jalna

...Respondents
(Ori. respondents)

...
Advocate for Appellant : Mr. Vitthal D. Bhise
AGP for Respondent Nos. 1 and 2: Mr. S.B. Jadhav
Advocate for Respondent No.3 : Mr. B.R. Surwase
.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 24th NOVEMBER 2025

ORAL JUDGMENT:-

1. Both these appeals are preferred against the impugned judgment and award, passed by the learned Ad-hoc District Judge-1, Jalna i.e. the Reference Court in L.A.R. No.567 of 1998 dated 18.3.2008 and in L.A.R. No. 537 of 1998 dated 20.11.2007.

2. Learned advocate for the appellants pointed out that in first appeal No. 567 of 2011 land Gat No. 492/3, admeasuring 08 Hectare and 76 Are and in first appeal No. 1413 of 2013 land Gat No. 422 admeasuring 01 Hectare and 68 Are, both situated at Shrishti,

Tq. Partur, district Jalna, came to be acquired for the purpose of construction of Kasura Irrigation Project. Learned advocate for the appellants submitted that the learned Reference court did not appreciate the evidence in its proper perspective and granted meager amount of compensation without considering the market price of the acquired lands. Learned advocate further pointed out the judgment of this Court, delivered in first appeal No. 197 of 2025 alongwith connected appeals (Sheshrao Abaji Ambhure Died through L.rs. Shantabai Sheshrao Ambhure and others vs. the State of Maharashtra, through the Collector, Jalna and others) decided on 29.04.2025, in which while deciding 12 appeals, this court held that the appellants in those appeals are entitled for enhanced amount of compensation at Rs.1,728/- per R for dry land. Learned advocate further submitted that on the principle of parity, the claimants in these appeals are entitled for the same rate, as the lands acquired in those appeals and the present appeals are from one the same village i.e. village Shristhi, Tq. Partur, District Jalna. He therefore, prayed to allow these appeals by modifying the impugned judgment and award passed by the reference court.

3. Learned A.G.P. for the State and learned advocate for the acquiring body strongly opposed the appeals and submitted that the lands of the appellants are dry lands. The reference Court

considering the entire evidence on record awarded reasonable amount of compensation to the claimants. There is no scope for allowing these appeals. They lastly prayed to dismiss the appeals.

4. On perusal of the impugned judgment and award as well as the judgment relied upon by the learned advocate for the appellants, it appears that this Court has awarded enhanced amount of compensation to the claimants, who are similarly situated and the acquired lands are situated in the same village. Therefore, the claimants are certainly entitled for enhanced amount of compensation on the principle of parity. The appeals therefore, deserve to be allowed. The impugned judgments and award deserve to be modified to the above extent. Hence, the following order:-

O R D E R

- I. First appeal Nos. 567 of 2011 and first appeal No. 1413 of 2013 are partly allowed with proportionate costs. The impugned judgments and award are modified to the following effect.
- II. The appellants in both the appeals are entitled for the enhanced compensation for their dry lands @ Rs.1,728.00

per R alongwith the statutory benefits, excluding interest and statutory benefits for the period of delay, if any, as well as for the period from the date of notification under Section 4 of the Land Acquisition Act till the date of Award under Section 11 of the Land Acquisition Act.

- III. The First appeals are accordingly disposed of.
- IV. In view of the disposal of the first appeals, pending civil application, stand disposed of.

(SANJAY A. DESHMUKH, J.)

rlj/