



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 FIRST APPEAL NO. 1852 OF 2023

KADUBA GOVINDA USHIR (DIED) THR LRS LATABAI AND
ORS

VERSUS

THE S.L.A.O (1) UTPH, JALGAON AND ANR

AND

14 FIRST APPEAL NO. 1858 OF 2024

SHAMRAO ZENDU DHANGAR

VERSUS

S.L.A.O. U.T.PH.-1 JALGAON AND ORS

...

Advocate for Appellants in both : Ms. S.A.Kale h/f Mr. Kale A.B.
AGP for Respondent/s-State in both : Mrs. M. N. Ghanekar.
Advocate for Respondent No.2 in both : Mr. Rahul A. Tambe.

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 04.12.2025

PER COURT :-

1. Heard learned counsels for respective parties.
2. Both appeals can be decided by common judgment as the issue involved is no more res-integra. The claim for enhancement of compensation is covered by judgment of the Division Bench in *Special Land Acquisition Officer (III) Jalgaon and another Vs. Bhagwat Vithal Sonwane [2009 (4) Mh.L. J. 308]*. Division Bench awarded rate of Rs.2,00,000/- per Hectore for dry land, and Rs.3,00,000/- per hectore for semi irrigated

and Rs.4,00,000/- per Hectore for irrigated land which were acquired for Waghur Project.

3. In the present appeals also lands are acquired for self same project, albeit, the notifications under Section 4 were issued on the different dates. In First Appeal No.1852 of 2023, 40 R. was acquired from Gut No.125/1, situated at Khadgaon, Taluka Jamner, District Jalgaon. The notification under Section 4 of the Act was issued on 24.12.1998. SLAO awarded rate for the dry lands for a particular group ranging from Rs.25875/- to Rs.43700/- per Hectore. It was enhanced in LAR.No.1357 of 2005 to Rs.1,80,000/- per Hectore.

4. In First Appeal 1858 of 2024, 5 H. 73 R. of land from Gut No.183 was acquired from Khadgaon, Taluka Jamner. The notification under Section 4 was issued on 09.10.1997. The self-same rates as recorded in above appeal was awarded and enhanced.

5. In both appeals award was passed on 20.11.2000. In view of the pronouncement of the Division Bench, there is no difficulty in granting rate of Rs.2,00,000/- per Hectore to the appellants. The appeals are squarely covered by the judgment of Division Bench. Hence, the following order :

ORDER

- (i) First Appeals are allowed partly.
- (ii) In both appeals, appellants are entitled to receive compensation @ 2,00,000/- per Hectar for the lands under acquisition.
- (iii) Save and except above enhancement, the remaining award passed by the Reference Court in LAR.No.1357 of 2005 and LAR.No.1884 of 2005 shall stand confirmed.
- (iv) Appellants shall not be entitled to the interest and statutory benefits for the delayed period.

(SHAILESH P. BRAHME, J.)

...

vmk/-