



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

13 FIRST APPEAL NO. 697 OF 2022

**VITHAL S/O MADHAVRAO PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Appellants : Mr. Bilolikar Upendra B.
A.G.P. for Respondent nos. 1 and 2 : Mr. S.V. Hange
Advocate for Respondent no. 3 : Mr. S.B. Patil

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**WITH
FIRST APPEAL NO. 748 OF 2022**

**VIDYAVATI VIJAYKUMAR JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Appellants : Mr. Bilolikar Upendra B.
A.G.P. for Respondent nos. 1 and 2 : Mr. S.V. Hange
Advocate for Respondent no. 3 : Mr. S.B. Patil

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CORAM : SHAILESH P. BRAHME, J.

DATE : 12.12.2025

PER COURT :

Taken up for final disposal with consent of both sides.

2. Heard both sides.

3. The claimants have approached this Court for enhancement of the compensation being aggrieved by judgment and award passed by the Reference Court on different dates in their respective land acquisition references. All facts are identical. The acquisition of the land is for Lendi Project. The lands in all the appeals are situated at Dornali, Tq. Mukhed, Dist. Nanded. All are dry lands.

4. The material particulars of the appeals submitted by the learned counsel for the appellant, which are undisputed, are reproduced in the following chart :

Sr. No.	Matter No. & L.A.R. No.	Claimants name and Land admeasuring situated at Dornali	SLAO Award and Date and amount	Reference Court enhancement Award date and amount
1)	FA 748/2022 LAR 495/2007	Vidyavati Vijaykumar Jadhav, Gat No. 79 – 60 – R belonging to claimant nos. 1 to 3, 20 – R, each	11.11.2002, Land Rs. 635/ Per R Rs. 37,758/- (Rs. 12595/- each).	26.03.2019 Rs. 49,122 (Rs. 16,374/- each) 30% more
2)	FA 697/2022 LAR 367/2007	Vitthal Madhavrao Patil Gat No. 79 - 74-R Sunil Madhav Patil Gat No. 79 - 2-H Govind Madhav Patil Gat No. 79 – 20 -R Gopal Madhav Patil Gat No. 79 – 1 H 19-R Bhagirathibai Madhav Patil Gat No. - 79 – 1H 50-R Total land acquired in Gat No. 79 – 5 H 23 - R	11.11.2002 Land Rs. 635/- per R Rs. 2,92,880/- for land	03.04.2019 Rs. 3,59,405/- 30% More.

5. The notification under Section 4 of the Land Acquisition Act was issued on 25.03.1999. The award was passed on 11.11.2002. Special Land Acquisition Officer fixed the rate at Rs. 63,000/- to Rs. 64,000/- per Hectare for dry land. Being aggrieved, matters were referred to the Courts. The reference Court enhanced the compensation in the range from 30% to 40%, depending upon the facts situation in each matter. The appellants are claiming rate of Rs. 1,25,000/- per Hectare for dry land as it is held in First Appeal No. 834/2010 and First Appeal No. 3133/2009. In the alternative, they are claiming enhancement up to 70% from the enhancement given by the Reference Court, relying upon decision dated 02.05.2022 in First Appeal No. 2036/2021 and connected matters.

6. Learned counsel for the appellants submits that the coordinate bench in First Appeal No. 834/2010 fixed the rate at Rs. 1,25,000/- per Hectare, when the lands acquired were from village Marajwadi. In another group of appeals the acquired lands were from Bhaswadi and enhancement was granted to 70%. The learned counsel for Appellants has placed on record short submissions along with chart and the decisions which are sought to be relied upon. It is submitted that the enhancement or the rate cannot be discriminated, just because the lands in the present appeals are from village Dornali. These are the cluster of villages and the lands are identical in their location, potentiality and the quality.

7. The counsels appearing for the respondents have vehemently opposed the submissions of the appellants. It is submitted that in the absence of any material on record to support the claim of enhancement, it is impermissible to refer to few judgments and apply the ground of parity. It is submitted that the reference Court has considered relevant material on record, the typography of the lands and arrived at reasonable and just conclusion. The reference Court has already enhanced the rate to 30% to 40%. The rate given by coordinate bench in earlier matters cannot operate as a rule of thumb.

8. I have considered the rival submissions of the parties. The material facts are undisputed. The lands acquired in the present appeals are from village Dornali. For the self-same project, when lands from Marajwadi were acquired, the enhancement was granted by fixing rate of Rs. 1,25,000/- per Hectare in First Appeal No. 834/2010 and connected matters. The coordinate bench *inter alia* relying upon the decisions rendered in First Appeal No. 988/2012 and 989/2012, by a speaking order, the rate was enhanced the rate. The same formula of enhancement has been applied by the coordinate bench in the group of matters in First Appeal No. 3133/2009. Lands in those matters are also from village Marajwadi. However, the coordinate bench marginally deviated from the earlier formula by enhancing

the rate in the group of appeals decided on 02.05.2022 in First Appeal No. 2036/2021 and connected matters. The lands in those matters were from Bhaswadi and acquired for the same project. The enhancement of compensation was extended to 70% from that of the reference Court, which is further followed in the common judgment passed on 31.07.2024 in First Appeal No. 1023/2022 and connected matter.

9. I have gone through the judgments referred above, which are produced by the appellants in this Court.

10. In the last couple of groups, this Court adopted the enhancement to 70% from the rate given by the reference Court, which is the latest formula. I propose to adopt the same instead of enhancing the rate to Rs. 1,25,000/- per Hectare. The enhancement to 70% is reasonable and adequate. It is in consonance with the view taken by this Court.

11. The objection of the respondents is mainly on the distance and the location of the lands under acquisition as compared to the lands from Marajwadi and Bhaswadi. The Cluster of village is affected because of Lendi project. I have gone through a village map, which shows that villages Dornali, Bhingoli, Marajwadi and Bhaswadi are in the same vicinity. The villages Bhaswadi and Marajwadi appear to be adjoining as against Dornali. There is a distance between village Marajwadi and Dornali and that is the reason I am not inclined to accept enhancement of rate of Rs. 1,25,000/- per Hectare. Ends of justice would be met by granting the enhancement to 70%.

12. I am guided by the principles laid down by the Apex Court in the matter of **Ali Mohammad Beigh and others Vs. State of Jammu and Kashmir; AIR 2017 SC 1518**. Useful reference can be made to paragraph no. 13 and 14 for determining the rates of the lands, which are acquired from different villages, but acquired for the same purpose. Following the judgment, I have also taken view in the matter of **Uttam Bapurao Sakalkar Vs. The State of Maharashtra and others; 2025 BHC-AUG:31492**. There is no reason to

deviate from the view already taken. I find no merit in the submissions of the respondents that the parity cannot be attracted for enhancing the compensation in the present matter. All appeals deserves to be allowed partly. I, therefore, pass following order:

ORDER

- (I) The first appeals are allowed partly.
- (II) The compensation granted by the reference Court shall stand enhanced to further 70%.
- (III) Save and except above modification, rest of the award under challenge shall stand unaltered.
- (IV) Needless to mention that interest shall be payable from the date of Award.
- (V) The appellants shall not be entitled to interest and statutory benefits for the delayed period, which is already condoned.
- (VI) The appellants shall pay deficit court fees.
- (VII) Record and proceedings be sent back to the Trial Court.
- (VIII) Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

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