



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

FIRST APPEAL NO. 2071 OF 2024

Rohidas Vana Girase .. Appellant
Versus
The Collector, Dhule and others .. Respondents

**AND
FIRST APPEAL NO. 2210 OF 2024**

Padamsing Gajesing Girase .. Appellant
Versus
The Collector, Dhule and others .. Respondents

**AND
FIRST APPEAL NO. 582 OF 2025**

Nathesing Sardar Girase
Since deceased through his L.Rs.
Gajendra and others .. Appellants
Versus
The Collector, Dhule and others .. Respondents

**AND
FIRST APPEAL NO. 583 OF 2025**

Ravindra Vana Girase .. Appellant
Versus
The Collector, Dhule and others .. Respondents

**AND
FIRST APPEAL NO. 585 OF 2025**

Ramchandra Nimba Borse .. Appellant
Versus
The Collector, Dhule and others .. Respondents

AND

FIRST APPEAL STAMP NO. 20061 OF 2022

Sumanbai Raghunath Wani
 Since deceased through his L.Rs.
 Anil Raghunath Wani (Kothawade)
 and others .. Appellants

Versus

The Collector, Dhule and others .. Respondents

AND**FIRST APPEAL STAMP NO. 19168 OF 2025**

Prakash Raghunath Wani .. Appellant

Versus

The Collector, Dhule, Collector
 Office, Dhule and others .. Respondents

Shri Kumargaurav M. More, Advocate for the Appellant in both matters.

Shri S. V. Hange, A.G.P. for the Respondent Nos. 1 and 2 in both matters.

Shri Ajay D. Pawar, Advocate for the Respondent No. 3.

CORAM : SHAILESH P. BRAHME, J.

DATE : 05TH DECEMBER, 2025.

FINAL ORDER :

. First Appeal Stamp No. 20061 of 2022 is not on board. On mentioning same is taken on board.

2. Heard both sides finally.

3. These appeals can be disposed of by common order relying on earlier decisions rendered by the Coordinate Benches arising out of self same acquisition proceedings.

3. The acquisition is in respect of house properties from village Divi, Tq. Sindhkheda, Dist. Dhule. Notification U/Sec. 4 of the Land Acquisition Act was issued on 05.05.2011. Award was passed on 26.12.2012. Appellants have produced on record valuation report. The valuer was also examined. The Reference Court discarded valuation report.

4. Learned counsel for the appellants has placed on record the consistent view taken by this Court in awarding compensation by accepting 85% of the rate given by the private valuer.

5. Learned counsel for the acquiring body would oppose the submissions. It is submitted that 85% of the rate given by the valuer cannot be the rule of thumb. In a settlement before the Lok Adalat that formula was accepted and that cannot be made applicable in the present matters.

6. I have considered rival submissions of the parties.

7. While disposing of first appeal in Lok Adalat held on 08.02.2020 the formula of accepting rate to the extent of 85% of the valuation report was adopted. It is further followed in batch of appeals decided on 27th April, 2023 and the same has been consistently followed while disposing of other first appeals. I find there is no difficulty in accepting the said formula, otherwise the approach would be discriminatory.

8. The location of the lands, the purpose of acquisition and notification are at par with those claimants who were granted rate of 85% on the valuation report by this Court in other first appeals. I am inclined to accept the same formula. Hence I pass following order.

O R D E R

- a. All these appeals are partly allowed.
- b. The respondent – acquiring body shall pay compensation amount to all these appellants – claimants in respect of their house properties mentioned therein at the rate of 85% of the valuation report submitted by these appellants before the learned Reference Court.
- c. The respondent – acquiring body shall pay the interest under Section 28 of the Land Acquisition Act from the date of award.
- d. The respondent – acquiring body shall deposit the amount of enhanced compensation as aforesaid, within a period of one year from the date of this order directly in Reference Court and on such deposit, all these appellants – claimants are permitted to withdraw their respective amounts of compensation along with the interest.

- e. In case the payment is delayed by the respondent – acquiring body even after period of one year then it shall carry the statutory interest till its realization.
- f. The concerned appellants – claimants are directed to pay deficit Court fees, if any, at the time of modification of award.
- g. The awards be modified accordingly.
- h. Appellants shall not be entitled to interest and statutory benefits for the delayed period in the respective appeals.

[SHAILESH P. BRAHME J.]

bsb/Dec. 25