



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 FIRST APPEAL NO. 1924 OF 2022

SHANKARRAO MADHAVRAO KAVDE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Appellant : Mr. Kakade Deepak M.
AGP for Respondent nos. 1 & 2 : Mrs. M.N. Ghanekar

...

WITH
FIRST APPEAL NO. 1923 OF 2022

KESHAV SHAMRAO AKAT
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Appellant : Mr. Kakade Deepak M.
AGP for Respondent nos. 1 & 2 : Mrs. M.N. Ghanekar
Advocate for Respondent no. 3 : Mr. Ruturaj Patil

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CORAM : SHAILESH P. BRAHME, J.

DATE : 08.12.2025

PER COURT :

None appears for respondent no. 3-Acquiring body in First Appeal No. 1924/2022.

2. Heard both sides finally with consent at the admission stage.
3. Being aggrieved by the common judgment and award dated 18.04.2011 passed in L.A.R. No. 65/2010 and 62/2010, the claimants have approached the Court seeking enhancement of the compensation.
4. The learned counsel for the appellants submits that the appellants are entitled to have rate of Rs. 2500/- per Are and annual escalation of 10% for 7 years and 6 months. It is submitted that consistently this Court has taken

a view in the matters arising out of the same acquisition process in granting rate of Rs. 2500/- per Are. A compilation is placed on record for claiming the parity and the enhancement. It is submitted that the appellants are entitled to get enhancement of Rs. 5111/- per Are as his land is dry land.

5. The submissions are contested by learned counsel Mr. Patil. It is submitted that the appellants failed to demonstrate their entitlement of the enhancement. The ground of parity cannot be pressed into service. It is further submitted that the compensation awarded by the reference Court is just and adequate.

6. I have considered the rival submissions of the parties. In the present matter, the appellants' lands were acquired for the project of 'Nimna Dudhna Project'. Notification under Section 4 was issued on 24.06.2002. The appellant in First Appeal No. 1924/2022 is the owner of 1-H 36-Are from land Gat No. 123, which was acquired. In First Appeal No. 1923/2022 land admeasuring 5-H 24-Are was acquired. Both lands are situated at village Satona (kh) Tq. Partur, Dist. Jalna. Both lands are dry land.

7. This Court has consistently taken a view in awarding rate of Rs. 2500/- per Are for dry land. A reliance can be placed on the common judgment in First Appeal No. 1141/2018 and First Appeal No. 1125/2021, which was further followed in First Appeal Nos. 932/2018 and 933/2018. In the compilation, relevant orders are annexed. I find that to avoid inconsistency, it would be appropriate to award rate of Rs. 2500/- per Are for dry land. The learned counsel for respondent objecting the plea of parity cannot be countenanced.

8. In the present matters, the Spl. Land Acquisition Officer awarded rate of Rs. 650/- per Are, which is enhanced to Rs. 2000/- per Are by the Reference Court. The enhancement is inadequate and it is not in consonance with the consistent view taken by this Court. In view of the judgment of the Apex Court in the matters of **Ali Mohammad Baig and others Vs. State of**

Jammu and Kashmir, AIR 2017 Supreme Court 518 and Huchangouda Vs. Land Acquisition Officer; (2020) 19 SCC 236, the appellants are entitled to have escalation of 10% per year. For considering the claim of escalation the notification under Section 4 issued on 15.12.1994 is relevant by which the rate of Rs. 2500/- per Are was fixed. The time gap is of 7 years and six months. The escalation at the rate of 10% per year is worked out as follows:

1st year $2500 + 250 = \text{Rs. } 2750$ per Are

2nd year $2750 + 275 = \text{Rs. } 3025$ per Are

3rd year $3025 + 302 = \text{Rs. } 3327$ per Are

4th year $3327 + 332 = \text{Rs. } 3659$ per Are

5th year $3659 + 365 = \text{Rs. } 4024$ per Are

6th year $4024 + 402 = \text{Rs. } 4426$ per Are

7th year $4426 + 442 = \text{Rs. } 4868$ per Are

8th year (only for six months): $4868 + 243 = \text{Rs. } 5111$ per Are

9. Thus the appellants are entitled to Rs. 5111/- per Are as a rate. Both the appellants succeed in the appeals. I pass following order.

ORDER

(I) First Appeals are allowed partly.

(II) Impugned judgment and award is modified by substituting the rate of Rs. 5111/- per Are for calculating the compensation. The remaining operative part of the impugned judgment and award shall stand confirmed.

(III) The appellants shall pay deficit court fees.

(IV) Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

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