



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

44 FIRST APPEAL NO. 247 OF 2025

POMA DEVICHAND @ DEVSING JADHAV
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR,
OSMANABAD AND ORS

...
Advocate for Appellant : Mr. Ingale Vivekanand V.
AGP for Respondent/s-State : Mr. S. V. Hange.
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CORAM : SHAILESH P. BRAHME, J.
DATE : 18.12.2025

FINAL ORDER:-

1. Heard both sides finally with their consent.
2. Appellant is assailing judgment and award dated 29.12.2009 passed in LAR.No.317 of 2008 (old No.432 of 2008). He is relying on the common judgment rendered by this Court in First Appeal No.2944 of 2013 and connected appeals in awarding rate of Rs.7500/- per R.
3. Learned AGP opposes the submissions. It is submitted that appellant is not entitled to receive the enhancement on the ground of parity. He is unable to prove the similarity of the lands in question.
4. Appellant has placed on record common judgment passed in First Appeal No.2944 of 2013, order dated

12.02.2025 passed in First Appeal No.2534 of 2021 and copy of award dated 06.12.1997 arising out of which the matters had reached this Court in First Appeal No.2944 of 2013. Appellant's land measuring 1 H. and 27 R. from Survey No.142 was acquired for rehabilitation of earthquake affected persons from village Jewali. It was located at Jewali, Taluka Omerga, District Osmanabad. The SLAO passed award under Section 11 on 07.03.2000. The appellants claim was for the rate of Rs.15,000/- per R. The Reference Court enhanced it from Rs.200/- per R. to Rs.1750/- per R. by the impugned judgment.

5. The present case is squarely covered by common judgment passed in First Appeal No.2944 of 2013. By reasoned order, this Court fixed the rate at Rs.7500/- per R. for the land acquired from village Jewali. The said judgment is further followed by this Court in awarding the same rate. Appellant has squarely made out the case for parity. He is entitled to receive rate of Rs.7,500/- per R. I, therefore, pass the following order :

ORDER

- (i) First appeal is allowed partly.

- (ii) Appellant shall be entitled to get rate of Rs.7500/- per R.
- (iii) Appellant shall be entitled to interest under Section 28 and 34 from the date of award as per law laid down in the judgment of Full Bench in case of ***State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]***.
- (iv) Save and Except above modification. Rest of the impugned judgment and award shall remained unaltered.
- (v) The appellant shall pay deficit court fees, if any.
- (vi) Award be drawn accordingly.
- (vii) Record and proceeding be sent back to the concerned Court.
- (viii) Appellant shall not be entitled for interest and statutory benefits for the delayed period.

(SHAILESH P. BRAHME, J.)

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vmk/-