



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

901 FIRST APPEAL NO. 3498 OF 2018

**JAIWANTRAO GUNDERAO (DIED) BALAJI AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS**

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Advocate for Appellants : Mr. Kadam Nitin S.
AGP for Respondents/State : Mr. B. A. Shinde.
Advocate for Respondent No.2 : Mr. Vaibhav B. Dhage h/f
Mr. Gaikwad Ranjit B.

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**CORAM : SHAILESH P. BRAHME, J.
DATE : 15.10.2025**

PER COURT :-

1. Heard both sides finally at the admission stage.
2. Being aggrieved by judgment and order dated 12.07.2018 passed by Civil Judge Senior Division, Mukhed in LAR.No.168 of 2008. The claimants have preferred this appeal for enhancement.
3. Learned counsel for the appellants tenders on record the compilation of judgment by which a ground of parity is pressed into service. It is submitted that the lands were acquired from selfsame project and the compensation is enhanced by High Court in First Appeal No.3133 of 2009 and the connected appeals. The judgment is consistently followed by the Co-

ordinate Benches in respect of the appeals of the claimants from the same village or vicinity.

4. Learned counsel Mr. Gaikwad for the respondent/acquiring body and learned AGP for the respondents/State submit that there is no similarity in the facts and circumstances and enhancement on the ground of parity is not permissible.

5. Appellants' lands from Gut Nos.1, 321, 336-A, 326, 351, 382 and 371 are acquired for the *Lendi* Project. In the award, SLAO fixed the rate ranging from Rs.66,500/- to Rs.76,500/- per Hectar depending upon the nature of the land. In the Reference Court, claimants prayed for enhancement to the tune of Rs.10,00,000/- per Hectar. However, enhancement of 33% was granted by the Reference Court. The appellants are praying for enhancement in consonance with the decision rendered in a group of appeals in ***Sangamnath Mahadappa Vs. State of Maharashtra and others*** vide common judgment dated 16.01.2019.

6. I have gone through the common judgment rendered by the Co-ordinate Bench in First Appeal No.3133 of 2009. All aspects of the matter have been dealt with in enhancing the compensation. Considering the location of the lands acquired and the lands which were acquired in those appeals. I find that

on the ground of parity, appellants are entitled to get enhancement in the compensation. It is further noticed that common judgment passed in First Appeal No.3133 of 2009 has been consistently followed by other Co-ordinate Benches in passing further orders on 01.09.2021 and 25.10.2023. I find no difficulty in adopting the same course. This Court, therefore, modifies the award as per the judgment and order dated 16.01.2019 passed in First Appeal No.3133 of 2009 with connected matters. I pass following order :

ORDER

The impugned judgment and order stands modified as follows :

(a) The market value of the lands involved in the present appeal is determined @ Rs.1,25,000/- per Hecter for dry land, Rs.1,87,500/- per Hecter for semi-irrigated land, Rs.2,50,000/- per Hecter for perennially irrigated land and Rs.62,500/- per Hecter for Potkharab land.

(b) The appellants in the present appeal are accordingly held entitled for the enhancement in the amount of compensation as per the categories of their lands as shown in the award under Section 11 of the Act, as well as in the E-Statement.

(c) The appellants are also held entitled for the statutory benefits as are available under the

provisions of the Act, on the enhanced amount of compensation.

(d) The appellants are also held entitled for the interest under Section 28 and 34 of the Act, on the enhanced amount of compensation from the date of passing of the award under Section 11 of the Act i.e. 25.10.2004.

(e) The award be modified accordingly.

(f) The appeal stands partly allowed in the aforesaid terms.

7. Needless to say that interest part is as awarded by the learned trial court and subject to judgment in the case of ***State of Maharashtra Vs Kailash Shiva Rangari reported in 2016 (3) Mh.JJ. 457***. Needless to say that claimants/appellants shall not be entitled to the interest part on the enhanced amount for the delayed period.

(SHAILESH P. BRAHME, J.)

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vmk/-