



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.2639 OF 2018

Pandit S/o. Thavra Rathod (Died)
Through L.Rs.

1. Rukhminbai W/o. Pandit Rathod,
Age: 50 years, Occu.: Agril.,
R/o. Kedarwakdi, Tq. Mantha,
Dist. Jalna.
2. Mahadeo S/o. Pandit Rathod
Age: 27 years, Occu.: Agril.,
R/o. As above.
3. Govind S/o. Pandit Rathod
Age: 26 years, Occu.: Agril.,
R/o. As above
4. Radha D/o. Pandit Rathod (Pawar)
Age: 22 years, Occu.: Agril.,
R/o. As above.

... Appellants
(Orig. Claimants)

Versus

1. The State of Maharashtra
Through Collector, Jalna.
2. The Special Land Acquisition Officer,
Minor Irrigation Works, Jalna.
3. The Executive Engineer,
Nimna Dudhna Project, Selu,
Dist. Parbhani.
At present Office shifted to
Minor Irrigation Department,
Motibag at Jalna, Tq. & Dist. Jalna.

... Respondents

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AND

FIRST APPEAL NO.2649 OF 2017

Vithalrao S/o Bapurao Shinde (Died)
Through Legal Heirs

1. Smt. Prabatbai W/o. Vithalrao Shinde (Died)
Legal Heirs already on record
i.e Applicant No.2 and 3
2. Prakash S/o Vithalrao Shinde
Age: 45 years, Occu.: Agri.,
3. Suresh S/o. Vithalrao Shinde
Age: 39 years, Occu.: Agri.,
R/o. As above

... Appellants
(Orig. Claimants)

Versus

1. The State of Maharashtra
Through Collector, Jalna.
2. The Special Land Acquisition Officer,
Minor Irrigation Works, Jalna.
3. The Executive Engineer,
Nimna Dudhna Project, Selu,
Dist. Parbhani.

... Respondents
(Orig. Respondents)

AND

FIRST APPEAL NO.2652 OF 2017

Indrabai W/o. Ashroba Kavhale,
Age: 48 years, Occu.: Agri
R/o. Kedarwakdi, Tq. Mantha,
Dist. Jalna

... Appellant
(Orig. Claimant)

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Versus

1. The State of Maharashtra
Through Collector, Jalna.
2. The Special Land Acquisition Officer,
Minor Irrigation Works, Jalna.
3. The Executive Engineer,
Nimna Dudhna Project, Selu,
Dist. Parbhani.

... Respondents
(Orig. Respondents)

AND

FIRST APPEAL NO.3287 OF 2017

Sheshrao S/o. Thavra Rathod
Age: 42 years, Occu.: Agri
R/o. Kedarwakdi, Tq. Mantha,
Dist. Jalna

... Appellant
(Orig. Claimant)

Versus

1. The State of Maharashtra
Through Collector, Jalna.
2. The Special Land Acquisition Officer,
Minor Irrigation Works, Jalna.
3. The Executive Engineer,
Nimna Dudhna Project, Selu,
Dist. Parbhani.

... Respondents
(Orig. Respondents)

.....

Mr. K.B. Jadhav, Advocate for Appellants - Clamiant
Ms. D.S. Jape, AGP for Respondents No.1 and 2
Mr. B.R. Survase, Advocate for Respondent No.3

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 13 JUNE, 2025

PRONOUNCED ON : 03 JULY, 2025

ORDER :-

1. Present appeals are preferred by the original claimants seeking enhancement of compensation awarded in respective references by the Court of Civil Judge, Senior Division, Jalna.
2. Heard the learned counsel for the appellants – claimants, learned AGP for respondents No.1 and 2, and learned counsel for respondent no.3. – acquiring body.
3. Learned counsel appearing for the appellants submits that the present matters are covered by the decision of this Court (Coram : Sandipkumar C. More, J.) in First Appeal No.2653 of 2017 with connected matter dated 03.02.2025 passed in favour of similarly situated claimants, whose lands were also acquired by the State of Maharashtra for the purpose of “*Nimmna Dudhana Project*”.
4. Mr. B.R. Survase, learned counsel for respondent No.3 / acquiring body in respective appeals as well as learned AGP for respondent nos. 1 and 2 / State fairly conceded this position.
5. In that view of the matter and for the reasons recorded in order dated 03.02.2025 in First Appeal No.2653 of 2017, these appeals are partly allowed as under:

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ORDER

- (I) The Acquiring Body shall pay four times of the amount awarded by Special Land Acquisition Officer or Rupees 2400/- per R in case of Non Irrigated land, Rs. 3600/- per R for Semi Irrigated Land, Rs. 4800/- per R for Irrigated Land and Rs. 1200/- per R for *Pot Kharab* land, whichever is lesser. The respondent No.3-Acquiring Body in these appeals shall deposit the amounts of compensation, so arrived within 18 months from today.
- (II) If the amount is deposited within 18 months from today, by the Acquiring Body, then the appellants/claimants have agreed not to claim interest for the period of this 18 months. In case the amount is not deposited within 18 months, the said amounts shall carry interest as per the legal provision in The Land Acquisition Act 1894.
- (III) It is made clear that, for the period of delay which caused in filing these appeals, the appellants/claimants shall not be entitled to claim any interest as per the law. Further, it is also made clear that the claimants shall not be entitled to claim any interest for the period mentioned in the order dated 3rd February 2023, in proceedings before Hon'ble Supreme Court bearing SLP No. 4124 of 2022 with connected matters.

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- (IV) The interest be paid as per judgment in Full Bench in case of *State of Maharashtra Vs. Kailash Shiva Rangari, 2016 (4) ALL MR 513*.
- (V) After the amounts are deposited, the same be paid to the appellants/claimants in all these appeals.
6. With these conditions, the present appeals are disposed of.
7. The awards be prepared accordingly.
8. The Civil Applications, pending if any, also stand disposed of.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane