



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

10 FIRST APPEAL STAMP NO. 6084 OF 2023

Yuvraj Rodu Chinchole .. Appellant

Versus

The Collector, Jalgaon and others .. Respondents

Ms. Sakshi A. Kale, Advocate h/f Shri Ajeet B. Kale, Advocate for the Appellant.

Shri N. R. Dayma, A.G.P. for the Respondent Nos. 1 and 2.

Shri Sandesh R. Patil, Advocate for the Respondent No. 3.

AND

11 FIRST APPEAL STAMP NO. 6086 OF 2023

Fakira Natthu Kale

Since deceased through L.Rs.

Kadu Fakira Kale and others .. Appellants

Versus

The Collector, Jalgaon and others .. Respondents

WITH

FIRST APPEAL NO. 3464 OF 2017

Kailas Pandurang Chinchole .. Appellant

Versus

The Collector, Jalgaon and others .. Respondents

WITH

FIRST APPEAL NO. 4856 OF 2017

Zumbarlal Bhavarlal Jain .. Appellant

Versus

The Collector, Jalgaon and others .. Respondents

WITH

FIRST APPEAL STAMP NO. 22028 OF 2019

Eknath Mahipat Sonar .. Appellant

Versus

The Collector, Jalgaon and others .. Respondents

WITH

FIRST APPEAL NO. 3469 OF 2017

Ramchandra Vithoba Gondhale

Since deceased through L.Rs.

Sumanbai and others .. Appellants

Versus

The Collector, Jalgaon and others .. Respondents

WITH

FIRST APPEAL NO. 3263 OF 2019

Nana Ukha Gorade .. Appellant

Versus

The Collector, Jalgaon and others .. Respondents

WITH

FIRST APPEAL NO. 3470 OF 2017

Murlidhar Kashiram Talele .. Appellant

Versus

The Collector, Jalgaon and others .. Respondents

Ms. Sakshi A. Kale, Advocate h/f Shri Ajeet B. Kale, Advocate for the Appellants in all matters

Mrs. M. N. Ghanekar, A.G.P. for the Respondent Nos. 1 and 2 in all matters.

Shri Sandesh R. Patil, Shri S. B. Kadu, Shri D. D. Pokharkar and Shri Deepak B. Rasve, Advocate h/f Shri A. D. Pawar, Advocates for the Acquiring Body in respective matters.

CORAM : SHAILESH P. BRAHME, J.

DATE : 17TH DECEMBER, 2025.

FINAL ORDER :

. Heard both sides finally.

2. Appellants are original claimants who are challenging judgment and award passed by the Reference Court in different land acquisition references. They are claiming parity in view of consistent view taken by this Court as well as in group of appeals bearing First Appeal No. 2437 of 2023.

3. The appeals are contested by the respondent – acquiring body. It is submitted that ground of parity cannot be made applicable to the appellants. Appellants are unable to prove their case for enhancement of the compensation. It is submitted that the Reference Court has taken reasonable and plausible view. No interference is called for in the impugned judgments.

4. I have considered rival submissions of the parties. My attention is adverted to common judgment dated 01.12.2023 passed in First Appeal No. 2437 of 2023 and connected matters enhancing the compensation by awarding 85% of the valuation report. The house properties are acquired in the present matters for Waghur project. The appellants have led evidence of private valuer before the Reference Court. The notification U/Sec. 4 of the Land Acquisition Act was issued on 01.01.1998. Award U/Sec. 11 of the L. A. Act was passed on 20.10.2000. Following are material particulars.

Sr. No.	First Appeal No.	L. A. R. No.	House No.	Constructed Area	Rate granted by S.L.A.O.	Rate granted by Reference Court.
1	St. 6084 of 2023	394 of 2003	453	39.56 Sq. Mtr.	1629/-	3200/- 75%
2	St. 6086 of 2023	290 of 2003	38	29.53 Sq. Mtr	1410/-	1410/-
3	3263 of 2019	68 of 2004	614	322 Sq. Mtr	19/-	38/-
4	St. 22028 of 2019	347 of 2004	427	31.92 Sq. Mtr	1555/-	3000/-
5	3469 of 2017	327 of 2004	504	32.66 Sq. Mtr	2426/-	4852/-
6	3470 of 2017	46 of 2004	196	15.81 Sq. Mtr	2839/-	4875/-
7	3464 of 2017	262 of 2003	83	36.40 Sq. Mtr	1649/-	3300/-
8	3815 of 2019	70 of 2004	256	Open space	Open space	Open space

5. It reveals from record that Reference Court enhanced the compensation to 75%. The claim of the appellants is that they are entitled to 85% of the report of the private valuer. This Court has taken a consistent view and there is no reason to deviate from the policy of awarding compensation at the rate of 85% of the valuation report. On the ground of parity, appellants are entitled to have the enhancement in above terms.

6. I, therefore, pass following order.

O R D E R

- A. First appeals are allowed partly.
- B. Appellants shall be entitled to receive compensation at the rate of 85% of the valuation report.
- C. The appellants shall not be entitled to claim interest and statutory benefits for the delayed period.
- D. The interest U/Sec. 28 and 34 of the L. A. Act shall be payable from the date of award that is 20.10.2000.
- E. In First Appeal preferred by Eknath Mahipal Sonar, the appellant shall not be entitled to claim interest and statutory benefits for the delayed period as well as for the period from which appeal was dismissed and lateron restored.
- F. Save and except above, impugned judgment and award shall remain unaltered.
- G. Appellants shall pay deficit court fees.
- H. Award be drawn up accordingly.
- I. Record and proceedings shall be sent back.

[SHAILESH P. BRAHME J.]

bsb/Dec. 25