



This order dated 14.11.2025 is corrected vide speaking to minutes of order dated 26.11.2025

(1)

FA-2259-2021

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.2259 OF 2021

- Uttam Bapurao Sakalkar (died),
Through Lr's-
- 1) Sarubai Uttamrao Sakalkar,
Age- 50 years, Occu- Agri
 - 2) Ganpat Uttamrao Sakalkar
Age- 33 years, Occu- Agri.
 - 3) Ankush Uttamrao Sakalkar
Age- 28 years, Occu- Agri.

All above R/o -Mapegaon(Bu),
Tq-Partur, District- Jalna.

....Appellants
(original claimants)

VERSUS

- 1) The State of Maharashtra
through the Collector, Jalna
- 2) The Special Land Acquisition
Officer, (B.& C.) Jalna.
- 3) The Executive Engineer
Lower Dudhana Project Division, Selu.
District-Parbhani. Since, this department is
Abolished- at present Jalna Irrigation Department,
Jalna, Office at Motibagh, Jalna. Tq. And Dist-Jalna.

Respondents
(Original Respondents)

Shri. Deepak M. Kakade, Advocate for Appellants
Shri. S. V. Hange, AGP for Respondent Nos.1 and 2
Shri. Shyam C. Arora, Advocate for Respondent No.3

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CORAM : **SHAILESH P BRAHME, J.**
DATE : **14.11.2025**

JUDGMENT :-

1. Heard both sides finally.
2. The appellants are claiming enhancement and for that purpose challenging the judgment and award dated 19.10.2016 passed by the Reference Court in LAR No.830 of 2011.
3. The learned counsel for the appellants, Mr. Kakade submits that a big chunk of lands were acquired from village Satona(bk), Mapegaon, Raniwahegaon, Deola and Hondegaon by different Section 4 Notifications. The claimants approached Reference Court and thereafter the High Court for enhancement of compensation, which was granted ranging from Rs.2250 to 2500 per R. He has placed on record compilation of documents depicting comparative chart and judgments of coordinate benches enhancing the

compensation. It is urged that same course be followed and applying the permissible additions, rate of Rs.4426 per R be awarded to the appellants. It is submitted that there is similarity in the land, its potential and location. Reliance is also placed on certain judgments.

4. Per contra, Mr. Arora, learned counsel would repel the submissions on the ground that there is no similarity of the lands and parity cannot be applied. It is further submits that it is impermissible to enhance the rate by the cumulative method. It is further submitted that no evidence is laid by the appellants to claim enhancement of the rate.

5. The learned counsel for the appellants has placed on record a comparative chart which is as follows :

SR NO.	Name of Village	Sec.4 Notification date	Rate per R granted by Hon'ble High Court and accepted by Acquiring body	First Appeal Nos.
1.	Village Satona (Bk)	31.03.1996	Rs.2500/- for dry	FA/1141/2018
2.	Village Raniwahagaon	23.06.1995	Rs.2400/- for dry	FA/1958/2018
3.	Village Deola	13.07.1995	RS.2400/- for dry	FA/2485/2016
4.	Village Hondegaon	22.06.1995	RS.2250/- for dry	FA/2940/2021

6. The judgment of the coordinate benches referred in the appeals in the last column of the above chart are also placed on record. The above rates and enhancements pertain to the lands located in surrounding villages.

7. With the assistance of both lawyers, I have gone through a map which indicates that Mapegaon is abating Raniwahegaon and Satona. Other villages referred above are also in a cluster.

8. In the present matter, land Gat No.73/1 and 72/1 were acquired vide notification under Section 4 issued on 11.07.2002. It was dry land and the rate of Rs.850 per R was granted by SLAO. It was enhanced to Rs.2500 per R. By applying the cumulative method considering the additions for six years to the rates of the last Section 4 notification dated 31.03.1996 referred in above chart for village Satona, the rate would be Rs.4426 per R. I find that there is considerable similarity in the location, potential and the nature of the land in the present matter compared to the lands acquired from surrounding villages.

9. I have considered observations of the Hon'ble Supreme Court in para 13 to 15 in the matter of Ali Mohammad Beigh and Ors vs. State of J & K reported in AIR 2017 SC 1518 which are rightly cited by the appellants. The claim of the pressing into service cumulative method of 10% escalation has been explained by Apex Court in the matter of Huchanagouda vs. The Assistant Commissioner and Land Acquisition Officer and Ors. The appellants are entitled to have escalation by way of cumulative effect. I find no reason to deny the said benefit to the appellants.

10. Considering the overall circumstances, when for the lands from the same cluster and the coordinate benches already awarded rate ranging from Rs.2250 to 2500 per R, the appellants are entitled to get rate of Rs.2500 per R, had the notification been issued in 1996. The village Satona is adjoining one from Mapegaon, hence rate of Rs.2500 per R can be treated to be market rate and by escalation, the appellants are entitled to receive Rs.4426 per R for their land. The appellants are bound to succeed.

11. The First Appeal is allowed.
12. Impugned judgment and award passed in LAR No.830 of 2011 shall stand modified and the appellants shall be awarded compensation at the rate of Rs.4426 per R. The rest of the award is hereby maintained.
13. Award be drawn accordingly.
14. The appellants shall pay the deficit court fees.
15. R and P be sent back to the Reference Court.

(SHAILESH P. BRAHME, J.)