

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 REVIEW APPLICATION (CIVIL) NO. 288 OF 2025
IN FA/537/2022
WITH
REVIEW APPLICATION (CIVIL) NO. 289 OF 2025
IN FA/748/2021

HANUMANT SAKHARAM DANGAT.

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA
AND ORS.

...

Advocate for Applicant : Mr. Kakade Deepak M.
AGP for Respondent nos. 1 & 2 : Mrs. M.N. Ghanekar
Advocate for Respondent No. 3 : Mr. Ruturaj Patil

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CORAM : SHAILESH P BRAHME, J.
DATE : 08.12.2025

PER COURT :

Heard both sides. Taken up for final disposal, as the respondents waive notice for consideration.

2. The appeals were allowed by common judgment and order dated 03.12.2025, which is sought to be reviewed. It is submitted that the mistake is apparent on the face of record is as in First Appeal No. 748/2021 escalation for only one year is considered when it should have been two years and six months by the cumulative effect and the rate awarded is apparently incorrect. Another ground is that in First Appeal No. 537/2022 the entire land acquired was treated to be dry land when 1-H 96-acre land of it was only dry when 6-Acre of the acquired land was Pot-Kharab and 23-Acre was semi-irrigated. No bifurcation was shown while calculating the rate and

the compensation.

3. There is no serious objection by the learned counsel appearing for the respondent-Acquiring Body for the grounds pressed into service. I have considered the judgment passed by the reference Court. It was recorded by reference Court that land acquired in First Appeal No. 537/2022 was dry land to the extent of 1-H 96-Are, 6-Are Pot-Kharab and 23-Are as semi-irrigated land. In that view of the matter, awarding blanket rate of Rs. 2500/- per Are for entire land is patent mistake, which needs rectification. The appellants are entitled to receive compensation at the rate of Rs. 2500/- per Are for 1-H 96-Are (dry land), Rs. 1250/- per Are for 6-Are (pot-kharab) and Rs. 3750/- per Are for 23-Are being semi-irrigated land.

4. The notification was issued on 31.03.1996, on the basis of which rate of Rs. 2500/- per Are was fixed. The notification in the present case was issued on 10.12.1998, after gap of 2 years and 8 months. The applicants are claiming escalation of two years and eight months. In paragraph No. 7 only escalation of 10% for one year is considered, which is inadequate. The applicants are entitled to have the escalation at the rate of 10% per annum for two years and six months, which comes to Rs. 3176/- per Are. In that view of the matter, the operative part needs correction.

5. Review applications are allowed and the common judgment and order under review shall stand modified by substituting operative clause nos. (ii) and (iii) by following clauses :

(ii) Impugned judgment and award passed in L.A.R. No. 196/2011 is quashed and set aside and the appellants shall be entitled to have rate of Rs. 3176/- per Are.

(iii) Impugned judgment and award passed in L.A.R. No. 659/2010 is hereby quashed and set aside and the appellants shall be entitled to have rate of Rs. 2500/- per Are for 1-H 96-Are for dry land, Rs. 3750/- per Are for 23-Are for semi-irrigated land and Rs. 1250/- per are for 6Are for Pot-kharab.

(SHAILESH P. BRAHME, J.)

mkd/-