



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

FIRST APPEAL NO. 1770 OF 2021

The State of Maharashtra and others .. Appellants

Versus

Mahadeo Laximan Munde and others .. Respondents

Shri N. R. Dayma, A.G.P. for the Appellants.

Shri V. P. Sawant, Advocate for the Respondent Nos. 1 to 3.

WITH

FIRST APPEAL NO. 3443 OF 2025

Mahadeo Laximan Munde and another .. Appellants

Versus

The State of Maharashtra, through
Collector Beed and others

.. Respondents

Shri V. P. Sawant, Advocate for the Appellants.

Shri N. R. Dayma, A.G.P. for the Respondent Nos. 1 and 3.

Shri Nikhil S. Tekale, Advocate for the Respondent No. 2.

CORAM : SHAILESH P. BRAHME, J.

DATE : 23RD DECEMBER, 2025.

FINAL ORDER :

. Heard both sides finally.

2. Both first appeals can be decided by common judgment as they are arising out of judgment and award dated 05.05.2016 passed in L. A. R. No. 435 of 2015.

3. Learned counsel for the appellants in First appeal No. 3443 of 2025 submits that L. A. R. No. 158 of 2020 was decided by Joint Civil Judge Senior Division, Majalgaon in which Janabai Laximan Munde was the claimant and she is mother of claimant Mahadeo and Ramkishan, who are present appellants. In the said reference rate of Rs. 1,000/- per R awarded by the Special Land Acquisition Officer, was enhanced to Rs. 8,000/- per R by the Reference Court. The lands in that matter and the present matter are from village Chikhalbeed, Tq. Wadwani and acquired for the self same project. In the impugned judgment the rate of Rs. 1,000/- per R was awarded by the S. L. A. O, but it was enhanced to Rs. 5,000/- per R instead of Rs. 8,000/- per R. It is further pointed out that vide letter dated 13.01.2022 issued by the competent authority the acquiring body acquiesce with the judgment and award passed in L. A. R. No. 158 of 2020 as well as L. A. R. No. 167 of 2020.

4. Above facts have not been disputed by the learned Assistant Government Pleader as well as learned counsel for the respondent - acquiring body.

5. The appellants in First Appeal No. 3449 of 2025 are also entitled to have same rate as it is given in companion matter of Janabai i. e. of Rs. 8,000/- per R. It reveals from record that interest is directed to be paid from the date of possession for initial first year. It is not in accordance

with the judgment rendered by the Full Bench of this Court in the matter of the State of Maharashtra Vs. Kailas Shiva Rangari reported in *2016(4) All MR 513*.

6. For the reasons stated above, first appeal preferred by the State Government is liable to be dismissed and the first appeal of the claimants - appellants deserves to be allowed partly. I, therefore, pass following order.

O R D E R

- A. First Appeal No. 1770 of 2021 is dismissed.
- B. First Appeal No. 3443 of 2025 is allowed partly.
- C. The appellants in First Appeal No. 3443 of 2025 shall be entitled to enhancement of rate to Rs. 8,000/- per R.
- D. The appellants shall be entitled to receive interest U/Sec. 28 and 34 of the Land Acquisition Act in view of the law laid down by the Full Bench of this Court in the matter of the State of Maharashtra Vs. Kailas Shiva Rangari (supra).
- E. Save and except above modification, impugned judgment and award shall stand unaltered.
- F. The appellants shall not be entitled to receive interest and statutory benefits for the delayed period.

- G. The appellants shall pay the deficit court fees.
- H. Award be drawn up accordingly.
- I. Record and proceeding shall be sent back.

[SHAILESH P. BRAHME J.]

bsb/Dec. 25