IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 FIRST APPEAL NO. 74 OF 2008

STATE OF MAHARASHTRA
VERSUS
MRS DURGABAI SHANKAR BHARTI THR LRS
...
AGP for Appellant/State : Mr. S.N. Morampalle
Advocate for Respondents : Mrs. Manisha Rajendra Patil h/f. Mr. Mukul Kulkarni
...
WITH
X-OBJECTION NO. 526 OF 2026
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : October 27, 2026

PER COURT :-

1. As the acquisition proceeding is initiated in the year 2001, heard finally with the consent of learned counsel for respective parties.

2. By this appeal, the appellant/State assails the judgment and award dated 28.11.2003 passed by the learned Civil Judge, Senior Division, Shahada in LAR No. 8/2023. The claimants have also filed cross objection.

3. The land of the claimants admeasuring 2 H. 22 R. from Gat No. 39/2-A situated at village Ranzani, Taluka Taloda, District Nandurbar was acquired for Sardar Sarovar Rehabilitation Project. Notification under section 4 of the Land Acquisition Act came to be published in Government Gazette on 30.8.2001. Possession of the acquired land was taken on 17.5.2002.

4. Both the learned counsel for parties have tendered across the Bar a

copy of the judgment and order dated 18.1.2018 passed by this Court in FA No. 591/2005 (The State of Maharashtra and Anr. Vs. Girdhar Tulshiram Marathe) and other connected matters, whereby this Court has granted compensation at the rate of Rs.1,35,000/- per H. for seasonally irrigated lands situated at Gopalpur which was acquired for the same project i.e. Sardar Sarovar Rehabilitation Project.

5. In the present case, reference court has held that the land of the claimants, from village Ranjani, is irrigated land and was acquired for the same project. Once this court has determined rate of Rs.1,35,000/- per H. for seasonally irrigated land for the same project, though in the present case the acquired land is from the different village, as the land of the claimants herein is irrigated, the claimant is entitled to receive rate of Rs.1,80,000/- per H. for their irrigated land. Hence, I pass the following order.

O R D E R

(i) First appeal filed by the State is dismissed.

(ii) Cross objection filed by the original claimants is partly allowed.

(iii) The impugned judgment and award is modified to the extent that the claimants shall be entitled to receive compensation at the rate of Rs.1,80,000/- per H. for their acquired irrigated land.

(iv) The claimants shall be entitled to interest and statutory benefits from the date of award in view of the judgment of Full Bench of this Court in the case of **State of Maharashtra vs. Kailas Shiva Rangari, 2016 (4) Mh.L.J. 457**.

(v) Deficit court fees be paid.

(vi) The rest of the impugned Judgment and Award shall remain

unaltered.

(vii) Modified award be drawn accordingly.

(viii) Pending civil applications, if any, also stand disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/