IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 FIRST APPEAL NO. 2409 OF 2026

DEVI MANDIR SANSTHAN ROHINA (BK) THROUGH ITS PRESIDENT SURESH SHESHRAO GAWALI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA, AND ORS.

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Advocate for Appellant : Mr. Koralkar Arun Hanumant
AGP for Respondents/State : Ms. Pretti V. Diggikar
Advocate for Respondent No. 3 : Dr. Bharaswadkar Patil Kalpalata

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CORAM : MANJUSHA DESHPANDE, J.
DATE : 30.10.2026

PER COURT :

1. This appeal is filed by the Claimants against the judgment and award passed by the 3rd Joint Civil Senior Division, Jalna in a L.A.R. No. 142 of 2010, dated 17.06.2016.

2. The learned Advocate for the appellant has annexed a copy of the order passed by this Court in First Appeal No. 3108 of 2022 along with other First Appeals decided by this Court on 15.12.2025. These appeals according to the appellants, are arising out of the same award as that of the same land owned by the appellants, which is acquired by the Acquiring Body.

3. The learned AGP does not dispute this position and submits that she has verified from the record and submits that the land of the

present Claimant and the land in the First Appeal Nos. 3108 of 2022, 1346 of 2023 and 3593 of 2023 are arising out of the one and same award.

4. In view of the fact that, already the First Appeals arising out of the same award have been decided by this Court, therefore, I do not find any reason to take a different view, than the view taken by this Court in the group of appeals, which have been decided by this Court after taking into consideration the nature of land and evidence produced by the respective parties.

5. This Court has held that the Claimants whose lands are acquired of "Nimmna Dudhana" project from different villages from taluka Partur are entitled to receive rate Rs. 2500/- per Are, awarded for dry land with escalation of 10% per annum. The rate of Rs. 2500/- per Are awarded to the lands acquired from village "Nimna Dhdhana" under the notification dated 31.03.1996 as stated to be master value.

6. Further the reliance is placed on the judgments annexed in First Appeal No. 3108 of 2022 and connected Appeals in paragraph No. 8 in case of Deorao Sheshrao Adhav and Others Vs. The State of Maharashtra and others, which is reproduced herein below :

> "*8. Considering the location of the lands which are acquired by the respondent-acquiring body and their potential, the ground of parity is attracted. This Court is relying upon the law laid down by the Supreme*

Court in the matter of ***Huchanagouda vs. The Assistant Commissioner and Land Acquisition Officer and Ors.*** *reported in* ***(2020) 19 SCC 236, Ali Mohammad Beigh and Ors vs. State of J & K*** *reported in* ***AIR 2017 SC 1518*** *and* ***Ningappa Thotappa Angadi (Dead) Through Legal Representatives vs. Special Land Acquisition Officer and Another*** *reported in* ***(2020) 19 Supreme Court Cases 599*** *for enhancing the compensation with escalation by cumulative effect. "*

7. This Court has held that, considering the location of lands that have been acquired by the Acquiring Body and their potentials, the ground of parity is attracted, and in the resolution it is held that the Claimants are entitled for escalation @ of 10% per annum for four years and thus they would be entitled for Rs. 3,660/- per Are.

8. In he present case the lands of Claimants have been acquired by issuing notification dated 27.04.2000 and the award is made on 10.04.2023 and the SLAO has granted rate of Rs. 800 per Are for the dry land, this rate has been enhanced by the reference Court to Rs. 2500/- per Are to the dry land applying escalation of 10% for four years for the dry land, it would come to Rs. 3,660/- per Are. Since the land of the Claimants is dry land, I pass following order :

ORDER

(i) The First Appeal is partly allowed.

(ii) The impugned judgment and award is modified.

(iii) The appellants shall entitled for the compensation of Rs. 3,360/- per Are (Rs. Three Thousand, Three Hundred and Sixty Only).

(iv) The rest of the award shall remain as it is.

(v) The Award shall be drawn accordingly.

(vi) The appellants shall pay the deficit Court fees, if any.

(vii) The interest shall be payable to the appellants as per the law laid down by the Full Bench of the Hon'ble Supreme Court in the matter of **State Of Maharashtra Thr. Sub. Divisional Officer vs Kailash Shiva Rangari , - AIR 2015, Bombay 141**.

(MANJUSHA DESHPANDE, J.)

Mahajansb/