IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 FIRST APPEAL NO. 2495 OF 2010

The Exe Engineer M.i.d. Jalna
VERSUS
The State Of Mah And Ors
...
Advocate for Appellant : Mr. Bhalerao Sudhir G.
AGP for Respondent-State: Mr. S. S. Dande
Advocate for Respondent No.3 : Mr. Ajeet B. Kale a/w Mr. Sandip Narode
...

WITH
X-OBJECTION (STAMP) NO. 33087 OF 2015
IN
FIRST APPEAL NO. 2495 OF 2010

Subhadrabai Sukhdeo Argade
VERSUS
The State Of Mah And Ors
...
Advocate for the Petitioner : Mr. Ajeet B. Kale a/w Mr. Sandip Narode
AGP for Respondent-State: Mr. S. S. Dande

13 FIRST APPEAL NO. 2496 OF 2010

The Exe Engineer M.i.d. Jalna
VERSUS
The State Of Mah And Ors
...
Advocate for Appellant : Mr. Bhalerao Sudhir G.
AGP for Respondent-State: Mr. A. M. Phule
Advocate for Respondent No.3 : Mr. Ajeet B. Kale a/w Mr. Sandip Narode
...

14 FIRST APPEAL NO. 2497 OF 2010

The Executive Engineer Minor Irrigation Division Jalna
VERSUS
The State Of Mah And Ors

...

Advocate for Appellant : Mr. Bhalerao Sudhir G.
AGP for Respondent-State: Mr. D. R. Korde
Advocate for Respondent No.3 : Mr. Ajeet B. Kale a/w Mr. Sandip Narode

...

WITH
X-OBJECTION (STAMP) NO. 33094 OF 2015
IN
FIRST APPEAL NO. 2497 OF 2010

Kailas Sakharam Kale
VERSUS
The State Of Mah And Ors

...

Advocate for the Petitioner : Mr. Ajeet B. Kale a/w Mr. Sandip Narode
AGP for Respondent-State: Mr. D. R. Korde

15 FIRST APPEAL NO. 2498 OF 2010

The Exe Engineer M.i.d. Jalna
VERSUS
The State Of Mah And Ors

...

Advocate for Appellant : Mr. Bhalerao Sudhir G.
AGP for Respondent-State: Mr. A. D. Wange
Advocate for Respondent No.3 : Mr. Ajeet B. Kale a/w Mr. Sandip Narode

...

WITH
CIVIL APPLICATION NO. 15600 OF 2015
IN
X-OBJST/33700/2015

Kadubai Govardhan Argade
VERSUS
The State Of Maharashtra And Ors

...

Advocate for Applicant : Mr. Ajeet B. Kale a/w Mr. Sandip Narode
AGP for Respondent-State: Mr. A. D. Wange

16 FIRST APPEAL NO. 2504 OF 2010

The Executive Engineer Minor Irrigation Division Jalna
VERSUS
The State Of Mah And Ors
...
Advocate for Appellant : Mr. Bhalerao Sudhir G.
AGP for Respondent-State: Mr. B. A. Shinde
Advocate for Respondent Nos.1 to 7 : Mr. Ajeet B. Kale a/w Mr. Sandip Narode

...

17 FIRST APPEAL NO. 2511 OF 2010

The Executive Engineer Minor Irrigation Division Jalna
VERSUS
The State Of Mah And Ors
...
Advocate for Appellant : Mr. Bhalerao Sudhir G.
AGP for Respondent-State: Mr. S. B. Jadhav
Advocate for Respondent : Mr. Ajeet B. Kale a/w Mr. Sandip Narode
...

WITH
CIVIL APPLICATION NO. 12618 OF 2026
IN
FIRST APPEAL NO. 2511 OF 2010

The Executive Engineer Minor Irrigation Division Jalna
VERSUS
The State Of Mah And Ors
...
Advocate for Applicant : Mr. Bhalerao Sudhir G.
AGP for Respondent-State: Mr. S. B. Jadhav

WITH
X-OBJECTION NO. 523 OF 2026
IN
FIRST APPEAL NO. 2511 OF 2010

Aruna Shivprasad Gagrani
VERSUS
The State Of Maharashtra And Ors
...
Advocate for the Petitioner : Mr. Ajeet B. Kale a/w Mr. Sandip Narode
AGP for Respondent-State: Mr. S. B. Jadhav

WITH
CIVIL APPLICATION NO. 4716 OF 2014
IN
FIRST APPEAL NO. 2511 OF 2010

The Executive Engineer Minor Irrigation Division Jalna
VERSUS
The State Of Mah And Ors
...
Advocate for Applicant : Mr. Bhalerao Sudhir G.
AGP for Respondent-State: Mr. S. B. Jadhav

18 FIRST APPEAL NO. 2538 OF 2010

The Exe Engineer M.i.d. Jalna
VERSUS
The State Of Mah And Ors
...
Advocate for Appellant : Mr. Bhalerao Sudhir G.
AGP for Respondent-State: Mr. D. R. Korde
Advocate for Respondent No.3 : Mr. Ajeet B. Kale a/w Mr. Sandip Narode
...

19 FIRST APPEAL NO. 2542 OF 2010

The Exe Engineer M.i.d. Jalna
VERSUS
The State Of Mah And Ors
...
Advocate for Appellant : Mr. Bhalerao Sudhir G.
AGP for Respondent-State: Mr. S. S. Dande
Advocate for Respondent Nos.3 & 4 : Mr. Ajeet B. Kale a/w Mr. Sandip Narode
...

20 FIRST APPEAL NO. 2543 OF 2010

The Exe Engineer M.i.d. Jalna
VERSUS
The State Of Mah And Ors
...
Advocate for Appellant : Mr. Bhalerao Sudhir G.
AGP for Respondent-State: Mr. A. M. Phule
Advocate for Respondent Nos.1 & 2 : Mr. Ajeet B. Kale a/w Mr. Sandip

Narode

...

21 FIRST APPEAL NO. 2602 OF 2010

The Executive Engineer Minor Irrigation Division Jalna

VERSUS

The State Of Mah And Ors

...

Advocate for Appellant : Mr. Bhalerao Sudhir G.
AGP for Respondent-State: Mr. D. R. Korde
Advocate for Respondent Nos.2 & 3 : Mr. Ajeet B. Kale a/w Mr. Sandip Narode

...

WITH
CIVIL APPLICATION NO. 16530 OF 2015
IN
X-OBJST/35891/2015

Sakharam Ghamaji Kale

VERSUS

The State Of Maharashtra And Ors

...

Advocate for Applicant : Mr. Ajeet B. Kale a/w Mr. Sandip Narode
AGP for Respondent-State: Mr. D. R. Korde

...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 26.10.2026

PER COURT :

ORDER IN CIVIL APPLICATIONS FOR CONDONATION OF DELAY:

1. The present Civil Applications are filed for condonation of delay in filing respective cross objections.

2. Considering the averments made therein, the applications are allowed and delay is condoned subject to condition that the claimants therein shall not be entitled to claim statutory benefits and interest for

the delayed period.

ORDER IN FIRST APPEALS AND CROSS OBJECTIONS:

3. As the acquisition proceeding is of the year 2000, the appeals are being heard finally with the consent of learned counsel for the respective parties.

4. By these appeals, the acquiring body is aggrieved by the judgments and awards dated 20.04.2009, 04.02.2009, 21.04.2009, 21.03.2009, 12.12.2008 and 19.03.2009 passed by the Ad-hoc District Judge-1, Jalna in LAR Nos.98/2005, 135/2002, 90/2005, 113/2005, 112/2005, 108/2005, 94/2005, 444/2002, 155/2009 and 115/2005, whereby compensation came to be enhanced. The claimants have also filed cross objections seeking higher compensation.

5. The lands of the claimants from village Dhangar Pimpri Tal. Ambad Dist. Jalna were acquired for the purpose of construction of Dhangar Pimpri Bruhat Minor Irrigation Tank. The notification under Section 4 of the Land Acquisition Act, 1894 (for short, “the Act”) was published on 17.02.2000 and award under Section 11 of the Act was passed on 20.02.2002.

6. Both learned counsel submit that present appeals and cross objections can be disposed of in view of order passed by this Court in First Appeal No.414 of 2016 with connected matters on 13.07.2026 arising out of same project i.e. Dhangar Pimpri Bruhat Minor Irrigation Tank and same notification dated 17.02.2000.

7. As this Court has already decided the appeal arising out of same project and same notification, I am inclined to adopt the same view. The present appeals and cross objections are disposed of in view of order passed in First Appeal No.414 of 2016, wherein the appeals filed by the acquiring body came to be dismissed and the cross objections filed by the claimants were partly allowed thereby awarding rate of Rs.2700/- per R for seasonally irrigated land.

8. In First Appeal No.2511/2010 and connected Cross Objection No.523/2026, the E-statement filed on record shows existence of a water tank/*haud* and the land adm.70 R was shown to be irrigated land. Thus, the claimant in the said cross objection is entitled to the rate applicable to the irrigated land. In remaining First Appeals and respective Cross Objections, the lands show existence of wells therein. Consequently, the learned Reference Court has treated the said lands as seasonally irrigated lands. Thus, the claimants are entitled to rate applicable to seasonally irrigated lands. Hence, I pass following order:-

ORDER

(1) First appeals filed by the acquiring body are dismissed.

(2) Cross objections filed by the claimants are partly allowed.

(3) The claimant in Cross Objection No.523/2026 filed in First Appeal No.2511/2010 is entitled to receive compensation at the rate of Rs.3600/- per R. for 70R irrigated land.

(4) The claimants in remaining Cross Objections are entitled to compensation @ Rs.2700/- per R for their seasonally irrigated lands as per the categorization in respect of nature of lands made by the learned Reference Court.

(5) The claimants shall be entitled to all consequential statutory benefits as permissible under the Land Acquisition Act, 1894 including interest under Sections 28 and 34, as the case may be, as per Full Bench judgment of this Court in ***State of Maharashtra v. Kailash Shiva Rangari, 2016 (3) Mh.L.J. 457.***

(6) The judgment and award passed by the Reference Court stands modified to the aforesaid extent.

(7) The rest of the award passed by the learned Reference Court stands confirmed.

(8) Modified award be drawn accordingly.

(9) Deficit Court fee be paid.

(10) The claimants in Cross Objections are not entitled to claim statutory benefits and interest for the delayed period.

(11) Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE, J.]