IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 FIRST APPEAL NO. 3745 OF 2019

NARAYAN BHIKA PATIL AND ORS
VERSUS
COLLECTOR, JALGAON AND ORS
...
Mr. A. B. Kale, Advocate for Appellants
Mr. B. V. Virdhe, AGP for Respondent Nos.1 and 2 – State
Mr. D. D. Pokharkar, Advocate for Respondent No.3
...

CORAM : AJIT B. KADETHANKAR, J.

DATED : 1st October 2026

P.C. :-

. Feeling aggrieved by the judgment and award dated 16.11.2006 passed by the learned Joint Civil Judge, Senior Division, Jalgaon in Land Acquisition Reference No.133 of 2006, the claimants have filed this First Appeal.

2. Suffice to note, appellants' land admeasuring 3 Hectares 17 R being jirayat land situated at Gut No.17 of village Hingane Budrruk, Taluka Jamner, District Jalgaon came to be acquired by the respondent-acquiring body. Appellants' 23 R potkharab land was also acquired comprising in Gut No.17 itself.

3. The Reference Court after assessing the evidence on record enhanced the compensation holding the appellants

entitled to Rs.1,25,000/- per hectare in respect of jirayat land admeasuring 3 Hectares 17 R. The Reference Court further granted compensation for pot kharab land at the rate of Rs.62,500/- per hectare.

4. When the matter is taken up, Mr. A. B. Kale, learned Advocate for the appellants would place on record a copy of the order dated 28.02.2024 passed by this Court in a group of First Appeals led by First Appeal No.706 of 2007, and would contend that the present appeal be disposed of in terms of the said order.

5. To substantiate the prayer at this juncture, Mr. Kale submits that the cited case arises out of the same land acquisition proceedings which is the subject matter of the present First Appeal. He submits that the said order was also passed by this Court relying upon the earlier orders passed by this Court in identical matters.

6. Mr. Kale submits that in the cited matter, this Court in Clause (i) of the operative order held the claimants therein entitled to Rs.4,00,000/- per hectare in respect of the bagayat land. Mr. Kale thus submits that considering the appellants' land as jirayat land, the appeal be allowed holding the

entitlement at Rs.2,00,000/- per hectare for the land being jirayat. He further submits that in view of the settled law, compensation for pot kharab land be granted at the rate of 50% of the compensation applicable to jirayat land i.e. Rs.1,00,000/- per hectare.

7. When confronted with the order, Mr. D. D. Pokharkar, learned Advocate for the acquiring body fairly agrees that the subject matter of the appeals in the cited case is identical to the present appeal. It is further apprised to this Court that the land acquisition proceedings in the cited case are the same land acquisition proceedings which is the subject matter of the present First Appeal.

8. In view of this, I have no hesitation to pass the following order :

ORDER

I. The First Appeal is partly allowed.

II. The appellants are held entitled to compensation at the rate of Rs.2,00,000/- per hectare for their land being jirayat land, and at the rate of Rs.1,00,000/- per hectare for the land admeasuring 23 R being potkharab land.

III. The acquiring body shall deposit the enhanced compensation before this Court within

a period of six months from today, together with accrued interest thereon.

IV. The interest part shall be governed by the law laid down by the Full Bench judgment in the case of ***State of Maharashtra v. Kailash Shiva Rangari,*** reported in ***2016 (4) ALL MR 513***.

V. The appellants shall not be entitled to interest and statutory benefits for the delayed period.

VI. The appellants shall be entitled to withdraw the amount deposited with interest, without making any separate application for withdrawal.

VII. While depositing the enhanced compensation, any amount already deposited shall be adjusted.

VIII. The appellants shall pay the requisite additional court fees on the enhanced compensation, if applicable.

IX. Pending Civil Applications, if any, stand disposed of.

X. R and P, if called, be sent back to the Reference Court.

(AJIT B. KADETHANKAR, J.)

PRW