IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 FIRST APPEAL NO. 1153 OF 2010

Dhananjay Madhavrao Shinde
VERSUS
The State Of Maharashtra And Another

.....

Mr. B.K. Pawar, Advocate for Appellant
Mr. A.D. Wange, AGP for Respondent No.1-State

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 06 OCTOBER, 2026

PER COURT :

1. Heard learned counsel for the respective parties.

2. The present appeal takes exception to the Judgment and Award dated 03.02.2010 passed by the learned Civil Judge, Senior Division, Nilanga, in Land Acquisition Reference No.399 of 2002.

3. Learned counsel for the appellant submits that the issue involved in the present appeal is squarely covered by the order dated 24.09.2026 passed by this Court in First Appeal No.3957 of 2008 and, therefore, the present appeal may also be disposed of in terms of the said order. Learned AGP appearing for the respondent-State fairly concedes the said position.

4. 4. I have considered the submissions advanced by learned counsel for the respective parties and perused the order dated 24.09.2026 passed by this Court in First Appeal No.3957 of 2008. In the said matter, this Court,

relying upon the order dated 04.08.2026 passed in First Appeal No.57 of 2005, determined the market value of irrigated land at Rs.2,888/- per R and that of dry land at Rs.1,444/- per R, acquired for the Masalga Medium Project from Village Shivani-Kotal. The land involved in the present appeal was also acquired for the same project from the same village. However, the record in the present matter indicates that the acquired land is seasonally irrigated. Accordingly, applying a multiplier of 1.5 to the rate of Rs.1,444/- per R determined for dry land, the market value of the seasonally irrigated land works out to Rs.2,166/- per R (Rs.1,444/- × 1.5).

5. In view of the above, the claimant is entitled to compensation at the rate of Rs.2,166/- per R for the acquired seasonally irrigated land. The present appeal, therefore, deserves to be disposed of accordingly. Hence, the following order:

ORDER

(i) The appeal is partly allowed.

(ii) The impugned Judgment and Award dated 03.02.2010 passed by the learned Civil Judge, Senior Division, Nilanga, in Land Acquisition Reference No.399 of 2002 is modified to the extent that the claimant shall be entitled to compensation for the acquired seasonally irrigated land at the rate of Rs.2,166/- per R.

(iii) The claimant shall be entitled to all consequential statutory benefits

under the provisions of the Land Acquisition Act, 1894, including interest under Sections 28 and 34 of the Act, as applicable, in accordance with the law laid down by the Full Bench of this Court in ***State of Maharashtra v. Kailas Shiva Rangari, reported in 2016 (3) Mh.L.J. 457***.

(iv) The amount already paid to the claimant shall be given due adjustment.

(v) The rest of the impugned Judgment and Award passed by the learned Reference Court shall remain unaltered.

(vi) The modified award be drawn accordingly.

(vii) The appellant-claimant shall pay the deficit court fee, if any.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane