IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 CIVIL APPLICATION NO. 3719 OF 2019
IN FAST/18457/2018

CHANDRABHAGABAI DEVRAO DANGAT
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Mr. F. F. Shirpurkar h/f. Mr. A. B. Kale, Advocate for Appellant
Mr. S. P. Sonpawale, AGP for Respondent-State
Mr. S. C. Arora, Advocate for Respondent No.4

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CORAM : AJIT B. KADETHANKAR, J.

DATED : 30th October 2026

P.C. :-

CIVIL APPLICATION NO. 3719 OF 2019

. Despite service of notice on the acquiring body, none caused appearance. Hence this Court requested Mr. S. C. Arora, learned Panel Advocate to mark his presence for the acquiring body. Accordingly his appearance is taken on record.

2. This application is filed seeking condonation of delay of 999 days caused in filing the first appeal. The reasons for condonation of delay are explained at paragraphs 2 to 4 of the application.

3. For the reasons stated in the application and considering the law laid down by the Hon'ble Supreme Court

in the case of **Suresh Kumar Vs. State of Haryana and ors.**, (Civil Appeal arising out of SLP (C) No.670 of 2020 and connected matters), decided on 23.04.2025, the same is allowed. Delay caused in filing the appeal stands condoned.

4. First Appeal be registered subject to removal of office objections, if any.

FIRST APPEAL

5. Issue notice to the respondents. Learned AGP waives notice for the respondent-State. Mr. S. C. Arora, learned Advocate waives notice for the respondent/acquiring body.

6. Feeling aggrieved by the judgment and award dated 09.07.2015 passed by the learned Civil Judge, Senior Division, Jalna in Land Acquisition Reference No.333 of 2010, the claimant is before this Court. The following are the details of the case :

Project Name	Nimna Dudhana Project
Section 4 (1) Notification	12.07.1996
Date of Award	27.12.2001
Gat No.	30/1/2
Area Acquired	Total 82 R (79+3)
Village	Revalgaon, Tq. Partur Dist. Jalna
Rate Granted by the SLAO	Rs.973/- per R
Rate Granted by the Reference Court	Rs.3000 (semi-irrigated), Rs.1500 (pot kharab)

7. Against this backdrop, the claimant has filed the present First Appeal.

8. Mr. F. F. Shirpurkar h/f. Mr. A. B. Kale, learned Advocate for the appellant places on record a copy of the order dated 29.09.2026 passed by this Court in group of First Appeals led by First Appeal No.2269 of 2017. He submits that in the cited case, this Court fixed the rate of the land at Rs.2,500/- per R for dry land, Rs.3,750/- per R for semi-irrigated land and Rs.1,250/- per R for pot kharab land.

9. It is submitted that the cited appeals arise out of the same land acquisition project and that the lands which were the subject matter of the cited appeals were also situated in the same village. Hence prayer is made to allow the appeal.

10. Mr. S. C. Arora, learned Advocate for the acquiring body upon going through the order passed by this Court in the cited case fairly submits that the said order could be applied to the present matter as well. However, Mr. Arora, learned Advocate for the acquiring body specifically submits that 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***.

11. I have gone through the text of the order cited by the learned Advocate for the appellant. I find no reason to disagree with the view taken by this Court in the cited order.

12. Hence I pass following order :

ORDER

I. First Appeal stands partly allowed.

II. The appellant is entitled to compensation at the rate of Rs.2,500/- per R for dry land, Rs.3,750/- per R for semi-irrigated land and Rs.1,250/- per R for pot kharab land as per the categorization of nature of lands made by the learned Reference Court.

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 appellant shall not be entitled to interest and statutory benefits for the delayed period.

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

withdrawal.

VII. The cited order is taken on record and marked as Annexure “X” for identification purposes.

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

IX. Save and except above, impugned Judgment and Award passed by Reference Court shall stand unaltered.

X. The appellant shall pay the requisite additional court fees on the enhanced compensation, if applicable.

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

(AJIT B. KADETHANKAR, J.)

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