IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 FIRST APPEAL NO. 2665 OF 2026

SUBHASH BABASAHEB KAVALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA AND ORS.

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Advocate for Appellant : Mr. More Kumar Gaurav M.
AGP for Respondent/s-State : Ms. D. S. Jape.
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CORAM : MANJUSHA A. DESHPANDE, J.
DATE : 15.10.2026

FINAL ORDER :-

1. Heard the respective parties. Taken up for final disposal with the consent of the parties.

2. The present First Appeal has been filed by the original claimant, who is the owner and in possession of the property Gut No.69/3A, admeasuring 73H. 5R. situated at village Kedarwakadi, Tq. Mantha, District Jalna. The land of the appellant has been acquired for 'Nimna Dudhana Project'. The award for the acquisition of land of the claimant was declared on 31.03.1999. Being aggrieved by the same, the claimant has filed reference before Joint Civil Judge Senior Division, Jalna which was decided on 25.02.2020 by enhancing the compensation of Rs.1500/- per R. for dry land and Rs.750/-

per R. for potkharab land. Being dissatisfied by the judgment and award dated 25.02.2020, the appellant had approached this Court.

3. Learned advocate for the appellant is relying on the decision in ***First Appeal No.212 of 2017, Dnyanoba Maruti Kavhale died through legal heirs Vs. State of Maharashtra and others*** to claim parity. The appellants therein have been granted enhanced compensation by this court @ Rs.2400/- per R. for dry land and Rs.3600/- per R. for semi irrigated land. The learned advocate for the appellant submitted that, the land of the claimant and the land of the appellant in First Appeal No.212 of 2017 are covered under the same award dated 31.03.1999. Therefore, on the ground of parity, the relief of enhanced compensation also needs to be extended to the appellant.

4. I have gone through the order passed in First Appeal No.212 of 2017 and the order passed by the Reference Court. Since the present appeal as well as First Appeal No.212 of2017 are arising out of the same award passed by the Special Land Acquisition Officer on 31.03.1999, on the ground of parity, the said relief needs to be extended to the appellant in the present appeal also. I do not see any reason for taking a different view

in the matter. This Court has enhanced the rate of compensation @ of Rs.2400/- per R. for dry land and so far as potkharab land is concerned, it would be half of dry land i.e. Rs.1200/- per R. However, except enhancement of the market value, the appellant would not be entitled for any other benefit. Sofar as the interest granted by the Reference Court is concerned, it needs to be corrected as per the decision of Full Bench in ***State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]***. I, therefore, pass following order :

ORDER

(i) First appeal is partly allowed.

(ii) The appellant shall be entitled to receive rate of Rs.2400/- per R. for dry land and Rs.1200/- per R. for potkharab land.

(iii) The appellant shall not be entitled to interest and statutory benefits for the delayed period.

(iv) The appellant shall be entitled to interest under Section 28 and 34 of the Land Acquisition Act, 1894 as per law laid down in the judgment of Full Bench in case of ***State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]***.

(v) Save and except. Impugned judgment and award passed by the Reference Court shall stand unaltered.

(vi) The appellant shall pay deficit court fees, if any.

(vii) Record and proceeding be sent back to the concerned Court, if any.

(viii) Award be drawn accordingly.

(MANJUSHA A. DESHPANDE, J.)

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vmk/-