IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 FIRST APPEAL NO. 2659 OF 2026

SMT SARUBAI DATTARAO KAVLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA AND OTHERS

...
Advocate for Appellant : Mr. More Kumar Gaurav M.
AGP for Respondent/s-State : Ms. Dr. Kalpalata Patil Bharaswadkar.
Advocate for Respondent No.3 : Ms. Shelke Sunita.
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CORAM : MANJUSHA A. DESHPANDE, J.
DATE : 15.10.2026

PER COURT :-

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.12, admeasuring 5 H. 75 R. 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 03.01.2020. Being aggrieved by the

same, as less compensation has been awarded by the Court below, they have approached this Court.

3. Learned advocate for the appellant has tendered across the bar an order dated 23.01.2026 passed by this Court in ***First Appeal No.212 of 2017, Dnyanoba Maruti Kavhale died through legal heirs Vs. State of Maharashtra and others*** to claim parity in the present case which according to him covers the case of the appellant. Since the award passed by the Special Land Acquisition Officer also covers the award passed on 31.03.1999 passed by the Special Land Acquisition Officer under Section 11 of the Land Acquisition Act wherein compensation @ Rs.655/- per R. for the dry land has been granted to the claimants. The appellant had filed LAR.No.148 of 2012 before the Joint Civil Judge Senior Division, Jalna. It has been decided vide a judgment and award dated 03.01.2020. The learned Civil Judge Senior Division, Jalna has enhanced the market value of the Land of the appellant to Rs.1500/- per R. for dry land and @ Rs.750/- per R. for potkharab land. Thus, being aggrieved by the insufficient enhancement of the compensation, the appellant has approached this Court. Upon perusal of the order passed by this Court in First Appeal No.212 of 2017 which is passed in

respect of the land which is acquired for Nimna Dudhana Project, Selu and against the same award i.e. award dated 31.03.1999 which also covers the land of the present appellant. 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.

4. Learned advocate appearing for the acquiring body does not dispute that the case of the present appellant is covered by the decision in First Appeal No.212 of 2017, since it is arising out of the same award and deserves parity. 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/-