IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 FIRST APPEAL NO. 1616 OF 2023

MD. FASIYUDDIN MD. RAFIUDDIN
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR, NANDED AND OTHERS

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Mr. S. M. Kakde, Advocate for Appellant
Mr. K. B. Jadhavar, AGP for Respondent-State
Mr. V. P. Narwade, Advocate for Respondent No.3

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CORAM : AJIT B. KADETHANKAR, J.

DATED : 30th October 2026

P.C. :-

. Feeling aggrieved by the judgment and award dated 15.04.2010 passed by the learned Civil Judge, Senior Division, Kandhar in Land Acquisition Reference No.314 of 2004 (old No.315 of 2003), the claimant is before this Court. The following are the details of the case :

Project Name	Lendi project
Section 4 Notification	04.02.1998 (published in Gram Panchayat Hasnal)
Date of Award	03.04.2002
S. No.	13
Area Acquired	1 H 00 R
Village	Hasnal, Tq. Mukhed Dist. Nanded
Land Classification	Dry Land

Rate Granted by the SLAO	Rs.62,070/- per Hector
Rate Granted by the Reference Court	Rs.77070/- per Hector

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

3. Mr. S. M. Kakde, learned Advocate for the appellant places on record a copy of the order dated 09.10.2026 passed by this Court in group of first appeals led by First Appeal No.5204 of 2017. He submits that in the cited case, this Court fixed the rate at Rs.1361/- for pot kharab land, Rs.2723/- for dry land, Rs.4084/- for seasonally irrigated land and Rs.5446/- for irrigated land. In this case, the subject matter land is dry land.

4. It is submitted that the cited appeals arise out of the same land acquisition project. The prayer is made to allow the appeal thereby holding that the appellant is entitled to compensation at the rate of Rs.2723/- per R for dry land.

5. Mr. V. P. Narwade, 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. Narwade, 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***.

6. I have gone through the order cited by the learned Advocate for the appellant. Although the date of Section 4 notification, the date of the award and village in the present case are different, the acquired land forms part of the same project. In view of the principle laid down by the Hon'ble Supreme Court in ***Ali Mohammad Beigh and Others v. State of Jammu and Kashmir***, reported in ***2017 (4) SCC 717***, and considering that the land in the cited case was acquired for the same project, I find no reason to take a different view from the one taken by this Court in the order dated 09.10.2026.

7. Hence I pass following order :

O R D E R

I. First Appeal stands partly allowed.

II. The appellant is entitled to compensation at the rate of Rs.2723/- per R for dry 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 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. While depositing the enhanced compensation, any amount already deposited shall be adjusted.

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

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

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

(AJIT B. KADETHANKAR, J.)