IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 FIRST APPEAL NO. 1960 OF 2012

Pratibha Shivraj Barure
VERSUS
The State Of Maharashtra And Another

.....

Mr. A.V. Indrale Patil, Advocate for Appellant
Mr. S.S. Dande, AGP for Respondent-State

.....

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 impugned Judgment and Award dated 11.06.2012 passed by the learned Civil Judge, Senior Division, Nilanga, in Land Acquisition Reference No.70 of 2006.

3. Learned counsel for the appellant tenders across the Bar a copy of the order dated 29.08.2026 passed by this Court in First Appeal No.2382 of 2012 and connected matters. He submits that, in the said matters, this Court considered the acquisition of land situated at Village Ganeshwadi for Ganeshwadi Percolation Tank No.3 and confirmed the market value of seasonally irrigated land at the rate of Rs.2,813/- per R.

4. I have perused the aforesaid order. In the said matters, the notification under Section 4 of the Land Acquisition Act, 1894, was

published on 17.11.2004, and the acquisition pertained to Ganeshwadi Percolation Tank No.3. In the present case, the land situated at the same village was acquired for Ganeshwadi Percolation Tank No.2, pursuant to a separate notification under Section 4 of the Act, published on 11.01.2002. Although the acquisitions pertain to different percolation tanks and were initiated pursuant to separate notifications, the aforesaid decision is a relevant consideration while determining the market value of the acquired land in the present case.

5. In view of the above, this Court is of the considered opinion that the claimant in the present appeal is also entitled to the same rate of compensation as confirmed by this Court in First Appeal No.2382 of 2012 and connected matters. Accordingly, the present appeal deserves to be disposed of in terms of the order dated 29.08.2026 passed in the said appeal and connected matters. Hence, the following order:

ORDER

(i) First Appeals are allowed partly.

(ii) The impugned Judgment and Award dated 11.06.2012 passed by the learned Civil Judge, Senior Division, Nilanga, in Land Acquisition Reference No.70 of 2006 is modified.

(iii) The claimant is entitled to receive compensation for the acquired seasonally irrigated land at the rate of Rs.2,813/- per R.

(iv) The claimant shall be entitled to all consequential statutory benefits on the enhanced compensation in accordance with the provisions of the Land Acquisition Act, 1894.

(v) The claimant shall be entitled to interest under Section 34 of the Act, strictly in accordance with the Full Bench decision in ***State of Maharashtra vs. Kailas Shiva Rangari, 2016 (3) Mh.L.J. 457.***

(vi) The amount already paid to the claimants shall be given due adjustment.

(vii) The appellant-claimant shall pay deficit court fees.

(viii) Rest of the impugned Judgment and Award dated 11.06.2012 passed by the learned Reference Court in Land Acquisition Reference No.70 of 2006 shall remain unaltered.

(ix) Modified award be drawn accordingly.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE