**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**BENCH AT AURANGABAD**

**911 CIVIL APPLICATION NO. 1209 OF 2019 IN FAST/24441/2018**
**WITH**
**FIRST APPEAL (STAMP) NO. 24441 OF 2018**

ATUL SHESHRAO CHAVAN
*VERSUS*
THE EX. ENGINEER, LOWER DUDHNA PROJECT DIVISION SELU, NOW EX. ENGINEER, IRRIGATION DIV, AND ORS
**WITH**
**CIVIL APPLICATION NO. 1210 OF 2019 IN FAST/24434/2018**
**WITH**
**FIRST APPEAL (STAMP) NO. 24434 OF 2018**

RAHUL SHESHRAO CHAVAN
*VERSUS*
THE EX. ENGINEER, LOWER DUDHNA PROJECT DIVISION SELU, NOW EX. ENGINEER, IRRIGATION DIV, AND ORS
**WITH**
**CIVIL APPLICATION NO. 1211 OF 2019 IN FAST/24438/2018**
**WITH**
**FIRST APPEAL (STAMP) NO. 24438 OF 2018**

SHESHRAO DURGADAS CHAVAN
*VERSUS*
THE EX. ENGINEER, LOWER DUDHNA PROJECT DIVISION SELU, NOW EX. ENGINEER, IRRIGATION DIV, AND ORS

...

Mr. K. H. Surve, Advocate for Applicant
Mr. S. P. Sonpawale, AGP for Respondent-State
Mr. S. C. Arora, Advocate for Respondent No.1

...

**CORAM : AJIT B. KADETHANKAR, J.**

**DATED : 30th October 2026**

**P.C. :-**

**CIVIL APPLICATION NO. 1209 OF 2019 (delay)**
**CIVIL APPLICATION NO. 1210 OF 2019 (delay)**
**CIVIL APPLICATION NO. 1211 OF 2019 (delay)**

. 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. Feeling aggrieved by the judgment and award dated 16.03.2017 passed by the learned 3rd Additional Civil Judge, Senior Division, Jalna in Land Acquisition Reference Nos.114 of 2012, 118 of 2012 and 116 of 2012, the claimants are before this Court.

3. There is delay of 425 days caused in filing the applications. The reasons explaining the delay are well explained at paragraphs 2 to 6 of the applications. It is stated that the applicants are the land losers whose lands have been acquired under compulsory land acquisition. The right to get enhancement in the compensation is a statutory right which must not be defeated on the technical ground of delay. It is submitted that due to poverty and lack of knowledge of legal proceedings, the applicants could not contact their learned Advocate at earlier stage. Resultantly, delay has occurred.

4. I find that the reasons tendered in the applications fall within the parameters of 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. In view of this, civil applications deserve to be allowed. One more fact needs to be considered is that the proposed first appeals sought to be filed by the applicants are also covered by the judgment and order passed by this Court arising out of identical cases. In view of this, I pass following order :

**O R D E R**

I. Civil Applications are allowed.

II. Delay caused in filing the appeals stands condoned subject to condition that the applicants shall not be entitled to the interest and statutory benefits for the delayed period.

III. First Appeals be registered subject to removal of office objections, if any.

**FIRST APPEALS**

. Issue notice to the respondents. Learned AGP waives notice for the respondent-State. Mr. S. C. Arora, learned Advocate waives notice for respondent No.1 – acquiring body.

2. Feeling aggrieved by the judgment and award dated 16.03.2017 passed by the learned 3rd Additional Civil Judge, Senior Division, Jalna in Land Acquisition Reference Nos.114 of 2012, 118 of 2012 and 116 of 2012 respectively, the claimants are before this Court. The following are the details

of the cases :

**FIRST APPEAL (STAMP) NO. 24441 OF 2018**

| | |
|---|---|
| Project Name | Nimnna Dudhana Project |
| Section 4 Notification | 07.11.2002 |
| Date of Award | 07.02.2006 |
| Gat No. | 74/1 |
| Area Acquired | 01 H 74 R |
| Village | Mapegaon, Tq. Partur, Dist. Jalna |
| Land Classification | Semi-irrigated, pot kharab |
| Rate Granted by the SLAO | Rs.790/- per R |
| Rate Granted by the Reference Court | Rs.3750/- per R (semi-irrigated)<br>Rs.1875/- per R (pot kharab) |

**FIRST APPEAL (STAMP) NO. 24434 OF 2018**

| | |
|---|---|
| Project Name | Nimnna Dudhana Project |
| Section 4 Notification | 07.11.2002 |
| Date of Award | 07.02.2006 |
| Gat No. | 74/1 |
| Area Acquired | 01 H 74 R |
| Village | Mapegaon, Tq. Partur, Dist. Jalna |
| Land Classification | Semi-irrigated, pot kharab |
| Rate Granted by the SLAO | Rs.790/- per R |
| Rate Granted by the Reference Court | Rs.3750/- per R (semi-irrigated)<br>Rs.1875/- per R (pot kharab) |

**FIRST APPEAL (STAMP) NO. 24438 OF 2018**

| | |
|---|---|
| Project Name | Nimnna Dudhana Project |
| Section 4 Notification | 07.11.2002 |
| Date of Award | 07.02.2006 |

| | |
|---|---|
| Gat No. | 73/2 |
| Area Acquired | 02 H 42 R |
| Village | Mapegaon, Tq. Partur, Dist. Jalna |
| Land Classification | dry land |
| Rate Granted by the SLAO | Rs.790/- per R |
| Rate Granted by the Reference Court | Rs.2500/- per R (dry land) |

3. Against this backdrop, the claimants have filed the present First Appeals.

4. Mr. V. D. Bhise, learned Advocate for the appellants places on record a copy of the order dated 11.12.2025 passed by this Court in group of first appeals led by First Appeal No.1778 of 2024. He submits that in the cited case, this Court fixed the rate at Rs.4426/- per R for dry land, Rs.6639/- per R for semi-irrigated land, Rs.8852/- per R for irrigated land and Rs.2213/- per R for pot kharab land.

5. It is submitted that the cited appeal arises out of the same land acquisition project and that the land which was the subject matter of the cited appeal was also situated in the same village. The prayer is made to allow the appeal thereby holding that the appellants are entitled to compensation at the rates referred above.

6. 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***.

7. I have gone through the text of the order cited by the learned Advocate for the appellants. I have also called for the judgment and award passed by the Reference Court in Land Acquisition Reference No.59 of 2002 to compare the same with the present cases and the cited order (supra).

8. I find that Land Acquisition Reference No.59 of 2002 was also concerning with the same land acquisition project i.e. Nimmna Dudhana Project. The date of publication of the Section 4 notification in the said case is 31.03.1996 whereas in the present cases, the same is 07.11.2002. Thus, I find that the present appeals could be disposed of on the same lines as the order cited (supra).

9. In the cited order, considering the time gap between the dates of the Section 4 notifications i.e. 31.03.1996 and

07.11.2002, this Court granted escalation in view of the law laid down by the Hon'ble Supreme Court in the case of ***Huchanagouda v. The Assistant Commissioner and Land Acquisition Officer and Others***.

10. Suffice to reiterate that although Section 4 notifications were published on different dates, the said notifications pertain to the same land acquisition project. It is a well-known fact that Section 4 notifications and the acquisition proceedings consequent thereto are issued and undertaken by the acquiring body as per the requirement of land for a particular project. Thus, the subsequent notification under Section 4 although issued in the year 2002 after a considerable gap pertains to the same land acquisition project.

11. From the record produced before this Court, it is evident and undisputed that the said notification and the proceedings consequent thereto relate to the same project. Therefore, the rate applied by the Reference Court in Land Acquisition Reference No.59 of 2002 can be accepted for determination of compensation in the present cases. So far as the escalation is concerned, the law laid down in the case of ***Huchanagouda*** (supra) can be applied.

12. Hence I pass following order :

**ORDER**

I. First Appeal stands partly allowed.

II. The appellants are entitled for compensation at the rate of Rs.6639/- per R for semi-irrigated land, Rs.2213/- for pot kharab land and Rs.4426/- for dry 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 appellants shall not be entitled to interest and statutory benefits for the delayed period.

VI. The appellants 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 appellants 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. )**

PRW