IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 2318 OF 2021

Rajesh Muralidhar Patil
VERSUS
The State Of Maharashtra Thr District Collector, Jalgaon And Ors
...
Mr. J. V. Patil, Advocate for Appellant in respective FAs
Mr. K. B. Jadhavar, AGP for Respondent-State in respective FAs
Mr. S. B. Kadu, Advocate for Respondent no.3 in respective FAs

AND

FIRST APPEAL NO. 2332 OF 2021

Suhas Tukaram Kolhe Thr Gpa And Ors
VERSUS
The State Of Maharashtra Thr District Collector, Jalgaon And Ors

AND

FIRST APPEAL NO. 2335 OF 2021

Narayan Ramdas Narkhede (died) Thr Lrs Sanjay
VERSUS
The State Of Maharashtra Thr Collector, Jalgaon And Ors

AND

FIRST APPEAL NO. 2321 OF 2021

Sunita Shivdas Sonawane And Anr
VERSUS
The State Of Maharashtra Thr District Collector, Jalgaon And Ors

AND

FIRST APPEAL NO. 2323 OF 2021

Rajani Chandrakant Rade
VERSUS
The State Of Maharashtra Thr District Collector, Jalgaon And Ors

AND
FIRST APPEAL NO. 2331 OF 2021

Ramkrushna Dongar Zope (died) Thr Lrs Suman And Ors
VERSUS
The State Of Maharashtra Thr District Collector, Jalgaon And Ors
AND
FIRST APPEAL NO. 2333 OF 2021

Vasudev Kalu Sutar Thr Gpa And Anr
VERSUS
The State Of Maharashtra Thr Collector, Jalgaon And Ors
AND
FIRST APPEAL NO. 2336 OF 2021

Digamber Galu Khadase (gpa) And Anr
VERSUS
The State Of Maharashtra Thr District Collector, Jalgaon And Ors
AND
FIRST APPEAL NO. 2334 OF 2021

Pandurang Waman Rade
VERSUS
The State Of Maharashtra Thr District Collector, Jalgaon And Ors
AND
FIRST APPEAL NO. 2319 OF 2021

Narendra Somnath Dhake (gpa) And Ors
VERSUS
The State Of Maharashtra Thr District Collector, Jalgaon And Ors
AND
FIRST APPEAL NO. 2320 OF 2021

Dashrath Mahipat Koli (died) Thr Lrs Kamalabai And Ors
VERSUS
The State Of Maharashtra Thr District Collector, Jalgaon And Ors
.....

CORAM : AJIT B. KADETHANKAR, J.

DATED : 31ST OCTOBER, 2026

P.C. :-

. At the outset, both the learned advocates for the respective parties make a joint request to dispose of the first appeals by remitting them back to the reference court in the light of an order dated 09.09.2026 passed by this court in First Appeal No.2326 of 2021 with connected appeals. It is submitted that the subject matter land in the cited appeals and in the present Appeals are acquired for the same project i.e. for the construction of Wagur Project Bhadali Distributory no.3950.

2. The details of the First Appeals are as follows:

Sr. No.	First Appeal No.	L.A.R. No.	Judgment date	Court
1	2318 of 2021	275 of 2014	08.01.2021	Jt. Civil Judge Senior Division, Jalgaon
2	2332 of 2021	1081 of 2012	08.01.2021	Jt. Civil Judge Senior Division, Jalgaon
3	2323 of 2021	1080 of 2012	08.01.2021	Jt. Civil Judge Senior Division, Jalgaon
4	2334 of 2021	1075 of 2012	08.01.2021	Jt. Civil Judge Senior Division, Jalgaon
5	2335 of 2021	1082 of 2012	08.01.2021	Jt. Civil Judge Senior Division, Jalgaon
6	2336 of 2021	1077 of 2012	08.01.2021	Jt. Civil Judge Senior Division, Jalgaon

Sr. No.	First Appeal No.	L.A.R. No.	Judgment date	Court
7	2320 of 2021	483 of 2013	08.01.2021	Jt. Civil Judge Senior Division, Jalgaon
8	2333 of 2021	1083 of 2012	08.01.2021	Jt. Civil Judge Senior Division, Jalgaon
9	2321 of 2021	1078 of 2012	08.01.2021	Jt. Civil Judge Senior Division, Jalgaon
10	2331 of 2021	1074 of 2012	08.01.2021	Jt. Civil Judge Senior Division, Jalgaon
11	2319 of 2021	277 of 2014	08.01.2021	Jt. Civil Judge Senior Division, Jalgaon

3. Having heard learned Advocates for both sides, I find that in fact the claimants have produced sale instances before the reference court for consideration. Except one sale deed dated 06.11.2009 all three instances were at least five years old prior to the issuance of notification under Section 4 of the Act. Even the sale deed dated 06.11.2009 is also prior to the issuance of notification under Section 4 of the Act.

4. It needs to be appreciated that the land acquisition for the distributary of Waghur Dam Project affected the lands at village Nashirabad, Bhadali and Bholane. It is a fair statement of learned advocate for the appellants that the sale instances relied on by the appellants are from Nashirabad village and yet could be read in evidence for the purpose of accessing correct valuation in the present claims. It is submitted that in

view of these facts, the Appeals be remitted back to the reference court with suitable directions.

5. I find that the request is a moderate one and in fact deserves to be accepted in the fitness of the circumstances as narrated above.

6. It is not disputed by Mr. J. V. Patil, learned advocate for Acquiring Body that the distributary of Waghur Dam Project comprised land acquisition for three villages i.e. Nashirabad, Bhadali and Bholane. In view of this I deem it appropriate to dispose of the appeals by remitting the parties back to the Reference Court to decide the claims afresh on the point of appropriate valuation of the subject matter properties. Hence, the following order:-

ORDER

a. The First Appeals are partly allowed.

b. The matters are remitted back to the concerned Reference Court for adjudication of the claims afresh as directed herein. The Reference Court shall consider the sale deeds produced and relied on by the claimants which are referred at paragraph 16 of the common judgment.

b. The Reference Court shall also take into consideration that the sale instances although do not belong to the village Bhadali, yet they are from village Nashirabad which is adjacent to Bhadali village and where also land acquisition is conducted for the distributary of Waghur Dam Project.

c. The Acquiring Body is at liberty to cross-examine the claimants, if so advised.

d. After assessing the evidence and considering the same for fixation of adequate compensation the Reference Court shall conclude the proceedings.

e. The parties shall appear before reference court on 19.11.2026 with a copy of this order.

f. Record and Proceedings, if called, be sent back.

g. The Reference Court is requested to conclude the proceedings within a period of six months from receipt of the Record and Proceedings.

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

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026