IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1159 OF 2021

The Executive Engineer, Minor
Irrigation Division No. 1, Aurangabad .. Appellant
Versus
Murlidhar Kisan Rahane and others .. Respondents

WITH
FIRST APPEAL NO. 1160 OF 2021
WITH
CIVIL APPLICATION NO. 6640 OF 2021

The Executive Engineer, Minor
Irrigation Division No. 1, Aurangabad .. Appellant
Versus
Narayan Wamanrao Jadhav and others .. Respondents

WITH
FIRST APPEAL NO. 1162 OF 2021

The Executive Engineer, Minor
Irrigation Division No. 1, Aurangabad .. Appellant
Versus
Sahebrao Kacharu Jadhav and others .. Respondents

Shri Anant D. Gadekar, Advocate for the Appellant.
Shri Pradeep M. Janapurkar, Advocate for the Respondent No. 1.
Shri S. P. Sonpawale, A.G.P. for the Respondent Nos. 2 and 3.

WITH
FIRST APPEAL NO. 4185 OF 2023

The Executive Engineer, Minor
Irrigation Division No. 1, Aurangabad
Through GMIDC, Aurangabad .. Appellant
Versus
Tulshiram Kisan Rahane and others .. Respondents

Shri Yuvraj Barhate, Advocate h/f Shri Mahesh C. Swami, Advocate for the Appellant.
Shri Pradeep M. Janapurkar, Advocate for the Respondent No. 1.
Shri S. P. Sonpawale, A.G.P. for the Respondent Nos. 2 and 3.

WITH
FIRST APPEAL NO. 4383 OF 2023

The Executive Engineer, Minor
Irrigation Division No. 1, Aurangabad .. Appellant
Versus
Shivram Kisan Rahane and others .. Respondents

Shri Sudhir G. Bhalerao, Advocate for the Appellant.
Shri Pradeep M. Janapurkar, Advocate for the Respondent No. 1.
Shri S. P. Sonpawale, A.G.P. for the Respondent Nos. 2 and 3.

WITH
FIRST APPEAL NO. 4378 OF 2023

The Executive Engineer, Minor
Irrigation Division No. 1, Aurangabad .. Appellant
Versus
Subhash Kacharu Jadhav .. Respondents

Shri Sudhir G. Bhalerao, Advocate h/f Shri R. C. Patil, Advocate for the Appellant.
Shri Pradeep M. Janapurkar, Advocate for the Respondent No. 1.
Shri S. P. Sonpawale, A.G.P. for the Respondent Nos. 2 and 3.

CORAM : AJIT B. KADETHANKAR, J.
DATE : 06TH OCTOBER, 2026.

ORDER :

. First Appeal No. 4378 of 2023 is not on today's board. On mentioning by Shri Bhalerao, learned advocate for the appellant, same is taken on board.

. Feeling aggrieved by distinct judgments and awards passed by the Reference Court in distinct land acquisition references, the acquiring body is before this court in present first appeals. Lands of the respondents – claimants situated at village village Kasabkheda, Tq. Khultabad, Dist. Aurangabad were acquired under bulk acquisition for the minor irrigation tank Deopudi. The compensation was granted holding the entitlement at the rate of Rs. 980/- per R.

2. Feeling aggrieved thereby, the claimants – present respondents approached the Reference Court by filing reference petitions U/Sec. 18 of the Land Acquisition Act (for the sake of brevity hereinafter referred as to the "L. A. Act"). After assessing the evidence on record, the Reference Court held the claimants – present respondents entitled for compensation at the rate of Rs. 2,250/- per R for dry land and Rs. 4,450/- per R for irrigated land. Feeling aggrieved by the enhancement in the reference, the acquiring body has approached this court by filing first appeals.

3. Matters are taken up for final hearing with the consent of the parties.

4. Mr. Janapurkar, learned advocate for the respondent No. 1 would place on record copy of order dated 07.07.2026 passed by this Court in First Appeal No. 1158 of 2021. Shri Janapurkar, learned advocate would submit that the subject lands of the cited

case are identical with the present lands. He would submit that cited appeal arises out of same acquisition proceedings, for the same irrigation tank and wherein the compensation was also same, which is required to be applied in the present cases. Shri Janapurkar, learned advocate however, takes me through the text of the said order and states that this Court approved the rate for compensation at Rs. 2,225/- per R for dry land and Rs. 4,450/- per R for irrigated land. Thus, Shri Janapurkar, learned advocate submits that in view of this the first appeals does not have any merit to proceed further.

5. For the sake of convenience, copy of cited order is offered to the learned advocates for the appellant Mr. Gadekar, Shri Barhate and Mr. Bhalerao for the appellant. After going through the order, in all fairness Shri Gadekar, Shri Barhate and Shri Bhalerao learned advocates states that cited order covers the controversy involved in the present matters.

6. For the sake of convenience following chart is prepared.

Sr. No.	F. A. No.	L.A.R. No.	Category of land	Rate awarded to Dry land	Rate awarded to irrigated land
01.	1159/2021	158/2008	Irrigated	--	Rs. 4,450/-
02.	1160/2021	155/2008	Irrigated	--	Rs. 4,450/-
03.	1162/2021	164/2008	Dry	Rs. 2,225/-	--
04.	4185/2023	157/2008	Irrigated	--	Rs. 4,450/-
05.	4383/2023		Irrigated	--	Rs. 4,450/-

06.	4378/2023		Irrigated	--	Rs. 4,450/-

7. In view of the above and considering the order dated 07.07.2026 passed by this Court in First Appeal No. 1158 of 2021, I have no hesitation to pass following order.

O R D E R

A. First appeals are partly allowed.

B. Except the interest part, the judgment and award passed by the learned Reference Court stands maintained.

C. The interest part shall be governed by the law laid down by the Full Bench of this Court in the case of **the State of Maharashtra Vs. Kailash Shiva Rangari** reported in **[2016 AIR (Bom.)141]**.

D. The respondents – claimants are permitted to withdraw the balance amount deposited by the appellant – acquiring body in this court with accrued interest.

[AJIT B. KADETHANKAR, J.]

bsb/Oct. 26