IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1580 OF 2020

Anil Nivrutti Khavne
VERSUS
The State Of Maharashtra And Ors
...
Mr. K. B. Jadhav h/f Mr. P. R. Kadam, Advocate for Appellant
Mr. R. K. Ingole, AGP for Respondent-State
Mr. Ruturaj C. Patil, Advocate for Respondent no.3
.....

CORAM : AJIT B. KADETHANKAR, J.
DATED : 15TH OCTOBER, 2026

P.C. :-

. Feeling aggrieved by the judgment and award dated 02.05.2015 passed by learned 2nd Joint Civil Judge Senior Division, Jalna in Land Acquisition Reference No.1038 of 2010 (old L.A.R. No.1 of 2009) the claimant is in appeal seeking enhancement in the compensation.

2. Claimant's land was acquired for the purpose of construction of Percolation Tank No.6 at village Devgaon (Khavne) Tahsil Mantha, district Jalna. The land acquisition procedure was conducted through file number LQ/LSK/CR NO.60/2005. Feeling dissatisfied with the deficit award declared by the Special Land Acquisition Officer, the appellant approached the Reference Court under Section 18 of the Land

Acquisition Act seeking enhancement in the compensation. After assessing the evidence on record, the Reference Court granted additional compensation of Rs.24,600/- to the appellant.

3. Feeling aggrieved by the deficit enhancement, the appellant is before this Court.

4. When the matter is taken up for final hearing, Mr. K. B. Jadhav h/f Mr. P. R. Kadam, learned Advocate for appellant placed on record a copy of order dated 28.07.2026 passed by this Court in First Appeal No.1581 of 2020 and 1582 of 2020. Mr. Jadhav submits that the cited order arises out of the same land acquisition procedure, which is the subject matter of the present First Appeal. He would submit that after thoroughly discussing the controversy before this Court, the rate for compensation was fixed by this Court at Rs.4070/- per R applicable for dry land and Rs.6105/- applicable for semi-irrigated land. He submits that valuation of the subject matter land and entitlement of the appellant is squarely covered by the cited order. He would further submit that on parity, the same rate as is applicable to dry land be applied to the present case.

5. Mr. Ruturaj C. Patil, learned advocate for the acquiring body fairly submits that the cited case is absolutely identical with the present matter. He submits that after hearing all the parties, this Court has fixed rate for the dry land and semi-irrigated land. He would submit that now the appellant cannot claim even more than what is granted by this Court in the cited case. Thus, he prays to pass appropriate order, reserving objection as regards to the interest part.

6. I have gone through the text of the cited order. I do not find any reason to disagree with the view taken by this Court in the cited appeals. In view of this, I pass following order:

ORDER

a. First Appeal stands partly allowed.

b. The appellant is held entitled for compensation @ Rs.4070/- per R applicable for dry land. The judgment and award be modified to that extent.

c. The interest part shall be governed by the full bench judgment of this Court in the case of *State of Maharashtra Vs. Kailash Shiva Rangari, 2016(3) Mh.L.J. 457*.

d. The acquiring body shall deposit the enhanced amount of compensation in this Court

within a period of six months from today.

e. Upon deposit of such amount, claimant shall be entitled to withdraw the same without making any separate application, subject to payment of deficit court fees, if any.

f. Suffice to note, the appellant shall not be entitled for any statutory benefit or interest for the period of delay.

g. Civil Application if any, stands disposed of.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026