IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 FIRST APPEAL NO. 480 OF 2023

BABURAO SATWAJI YESHWANTE THROUGH HIS LEGAL HEIRS SHANTABI BABURAO YESHWANTE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AT JALNA AND OTHERS
...
Mr. V. D. Bhise, Advocate for Appellants
Mr. S. P. Sonpawale, AGP for Respondent-State
Mr. S. C. Arora, Advocate for Respondent No.3
...

CORAM : AJIT B. KADETHANKAR, J.
DATED : 30th October 2026

P.C. :-

. 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 04.08.2022 passed by the learned Civil Judge, Senior Division, Jalna in Land Acquisition Reference No.195 of 2017, the claimants are before this Court. The following are the details of the case :

Project Name	Construction of percolation Tank No.2, Takli
Section 4 Notification	04/05.05.2006
Date of Award	20.05.2006
Gat No.	170
Area Acquired	01 H 23 R
Village	Takli, Tq. Bhokardan, Dist. Jalna
Land Classification	Dry Land
Rate Granted by the SLAO	Rs.665/- per R
Rate Granted by the Reference Court	Rs.1400/- per R

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

4. Mr. V. D. Bhise, learned Advocate for the appellants places on record a copy of the order dated 17.03.2026 passed by this Court in First Appeal No.1844 of 2024. This order is corrected vide speaking to the minutes of order dated 23.03.2026. He submits that in the cited case, this Court fixed the rate of the land at Rs.14,688/- per R applicable for semi-irrigated land. In this case, the subject matter land is dry 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 rate of Rs.9792/- per R for dry land.

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 find no reason to disagree with the view taken by this Court in the cited order.

8. Hence I pass following order :

O R D E R

I. First Appeal stands partly allowed.

II. The appellants are entitled to compensation at the rate of Rs.9792/- per R for dry land.

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