2026:BHC-AUG:52744

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 FIRST APPEAL NO. 4912 OF 2017

SUNIL TRAMBAK RANE (DIED) THR LRS BHARTI AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER-2, UTPH-2, JALGAON AND ANR
...
Advocate for Appellant : Mr. A.B. Kale
AGP for Respondent/State : Mr. A.M. Phule
Advocate for Respondent 2/acquiring body : Mrs. Manjusha S. Jagtap Ware
...

19 FIRST APPEAL NO. 4906 OF 2017

BHIMRAO VITTHAL TONGALE
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, UTPH-1, JALGAON AND ANR
...
Advocate for Appellant : Mr. A.B. Kale
AGP for Respondent/State : Mr. A.D. Wange
Advocate for Respondent 2/acquiring body : Mrs. Manjusha S. Jagtap Ware
...

20 FIRST APPEAL NO. 4915 OF 2017

MANGALABAI CHHAGAN PATIL
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, UTPH-1, JALGAON AND ANR
...
Advocate for Appellant : Mr. A.B. Kale
AGP for Respondent/State : Mr. B.A. Shinde
Advocate for Respondent 2/acquiring body : Mrs. Manjusha S. Jagtap Ware
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : October 27, 2026

PER COURT :-

1. Heard the learned counsel for the respective parties.

2. The present appeals arise out of the judgments and awards dated 17.11.2009, 27.10.2009 and 20.1.2010 passed by the learned Jt. Civil Judge, Senior Division, Jalgaon in LAR Nos. 898/2005 (Old No. 366/2004), 896/2005, 875/2005.

3. The lands of the claimants situated at village Chinchkheda Bk., Taluka Jamner, District Jalgaon were acquired for the purpose of Waghur project by issuing notification under section 4 of the Land Acquisition Act on 18.2.1999.

4. The learned counsel appearing for the parties submit that the present appeals are filed by the claimants, which arise out of Waghur Project and the lands from village Chinchkheda Bk., Taluka Jamner, District Jalgaon were acquired for the above project. The Hon'ble Division Bench of this Court in *Special Land Acquisition Officer (III), Jalgaon and another vs. Bhagwat Vitthal Sonwane, reported in 2009 (4) Mh.L.J. 308,* arising out of the same project, has determined the market value of the acquired jirayat land at the rate of Rs.2,00,000/- per hectare, seasonally irrigated land at the rate of Rs.3,00,000/- per hectare, bagayat land at twice the rate of jirayat land, i.e. Rs.4,00,000/- per hectare, and potkharab land at the rate of Rs.1,00,000/- per hectare. In the present cases, the learned Reference Court has determined the market value of the acquired jirayat lands at the rate of Rs.1,95,000/-. They, therefore, submit that the rates of compensation determined in the aforesaid judgment by the Division Bench may be applied to the acquired lands in the present cases.

5. Having considered the submissions advanced by the learned counsel for the respective parties, and in view of the admitted position that the controversy involved in the present appeal is identical to the one decided by the Division Bench of this Court in the case of *Special Land Acquisition Officer (III), Jalgaon and another vs. Bhagwat Vitthal Sonwane (supra)*, I see no reason to take a different view. The present appeals, therefore, deserve to be disposed of in terms of the said judgment and order and

claimants are entitled to receive rate of Rs.2,00,000/- per H. for their acquired Jirayat lands. Hence, the following order:

O R D E R

I. The First Appeals are partly allowed.

II. The impugned judgments and awards are modified to the extent indicated hereinbelow.

III. The claimants shall be entitled to compensation for their acquired Jirayat lands at the rate of Rs.2,00,000/- per hectare.

IV. The claimants shall be entitled to all consequential statutory benefits on the enhanced amount of compensation, in accordance with the provisions of the Land Acquisition Act, 1894.

V. The claimants shall be entitled to interest under Section 34 of the Land Acquisition Act, 1894, strictly in accordance with the Full Bench judgment of this Court in **State of Maharashtra vs. Kailas Shiva Rangari, 2016 (4) Mh.L.J. 457**.

VI. Save and except the aforesaid modification, the Judgments and Awards passed by the learned Reference Court shall remain unaltered.

VII. The appellant shall pay the deficit Court-fees, if any.

VIII. The modified award be drawn accordingly.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/