



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

12 FIRST APPEAL NO. 2940 OF 2024

**PRAKASH BHAGWAN SAIWAL DIED THR LRS MADHURI PRAKASH
SURYWANSHI AND ORS**

VERSUS

**THE COLLECTOR THR THE SPECIAL LAND ACQUISITION OFFICER 1
UTPH JALGAON AND ANR**

WITH

FIRST APPEAL NO. 186 OF 2024

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Advocate for Appellants : Mr. More Kumar Gaurav M.

AGP for Respondent/s-State : Mr. S. V. Hange.

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AND

70 FIRST APPEAL NO. 2811 OF 2025

VASANT BABURAO SAIWAL

VERSUS

THE STATE OF MAHARASHTRA AND ANR

WITH

FIRST APPEAL NO. 2810 OF 2025

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Advocate for Appellants : Mr. More Kumar Gaurav M.

AGP for Respondent/s-State : Mr. S. N. Morampalle.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 23.01.2026

FINAL ORDER :-

1. Heard both sides finally at the admission stage with consent of the parties.
2. Being aggrieved by judgment and award dated 23.02.2017 passed in L.A.R.No.736 of 2009, judgment and award 03.02.2017 passed in L.A.R.No.156 of 2009, L.A.R.No.154 of 2009 appellants have preferred

present first appeals. They have claimed compensation by adopting the rate of Rs.3,00,000/- per hectare for dry land as it has been consistently upheld by the High Court in the matters arising out of same project. Reliance is placed on one of such order dated 05th January, 2018 passed in First Appeal No.3111 of 2015 and other connected matters.

3. Learned Assistant Government Pleaders oppose the submissions. They would submit that appellants have failed to make out a case for enhancement of compensation. The rate awarded by the Reference Court is just and proper.

4. Appellants' lands from village Khadgaon were acquired for Waghoor project. For the self same project lands of various other persons were acquired from village Hadgaon as well as villages in the vicinity. The learned Single Judge has taken a view vide *judgment and order dated 05.01.2018 in First Appeal No.3111 of 2015 with other connected matters in the matter of Executive Engineer Waghoor Project Division Jalgaon Vs. Narayan Sonu Barkale and another* in granting rate of Rs. 3,00,000/- per hectare for dry land. The said judgment has been consistently followed and I also propose to adopt the same course. The appellants' lands are dry land and the rate given by the Reference Court that is Rs.1,80,000/- per hectare is required to be enhanced to Rs.3,00,000/-. I, therefore, pass following order.

ORDER

- (i) First Appeals are allowed partly.
- (ii) The appellants shall be entitled to enhancement of rate from Rs.1,80,000/- per hectare to Rs.3,00,000/- per hectare and accordingly the compensation shall be computed.
- (iii) The appellants shall not be entitled to interest and statutory benefits for the delayed period.
- (iv) The appellants shall be entitled to interest under Section 28 and 34 from the date of award as per law laid down in the judgment of Full Bench in case of ***State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]***.
- (v) Save and except above modification, rest of the judgment and award passed by Reference Court shall stand confirmed.
- (vi) The appellants shall pay deficit court fees, if any.
- (vii) Record and proceeding be sent back to the concerned Court, if any.
- (viii) Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

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vmk/-