

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

158 FIRST APPEAL NO. 248 OF 2025

VITHAL S/O GOVIND SOKAMBALE (DIED) THR LRS. DHONDIBA S/O
VITHAL SONKAMBALE

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, NANDED
AND OTHERS

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Advocate for Appellant : Ms. L.R. Thakur h/f Mr. Patil Laxmikant C.

Add.G.P for Respondent nos. 1 & 3 : Mr. A. R. Kale

Advocate for Respondent No.2 : Mr. S. S. Dande

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CORAM : SHAILESH P BRAHME, J.

DATE : 25.03.2026

PER COURT :

Heard both sides.

2. The appellant seeks to challenge judgment and award passed by the Reference Court on 27.03.2019 in L.A.R. No. 396/2007 on the ground of parity and relying on order dated 07.01.2026, which *inter alia* refers to common judgment and award dated 21.02.2019 passed in First Appeal No. 834/2010 and connected appeals. The appellant is claiming rate of Rs. 1,25,000/- per Hectare.

3. Appellants land from village Marajwadi stood acquired for Lendi Project vide notification dated 08.07.1998. It is treated to be dry land and there is no dispute for the classification of the land. The L.A.O. offered rate of Rs. 73,604/- per Hectare.

4. Learned A.G.P appearing for the respondent/State opposes the submissions. It is submitted that there is no similarity in the facts and

ground of parity is not attracted. It is submitted that interest awarded by the Reference Court is not in consonance with the settled legal position. It is further submitted that appeal is liable to be dismissed.

5. I have gone through the judgment dated 07.01.2026 passed in First Appeal No. 1401/2023. In that case also land from village Marajwadi was acquired under the self-same notification but by different award. The claimant was granted enhancement in rate to the tune of Rs. 1,25,000/- per Hectare for dry land. Present case is squarely covered by the consistent view being taken by this Court. I, therefore, pass following order :

ORDER

- (I) First Appeal is allowed partly.
- (II) The appellant shall be entitled to receive compensation at the rate of Rs. **1,25,000/- per Hectare** for the acquired land.
- (III) The appellant shall be entitled to interest U/Sec. 28 and 34 of the L. A. Act is payable from the date of final award as per the judgment in the matter of **State of Maharashtra Vs. Kailas Shiva Rangari reported in 2016(4) All MR 513.**
- (IV) The appellant shall not be entitled to claim interest and statutory benefits for the delayed period.
- (V) Save and except above, rest of the impugned judgment and award shall stand unaltered.
- (VI) The appellant shall pay deficit court-fees.
- (VII) Award be drawn accordingly.
- (viii) Record and proceedings be sent back to the concerned Court.

(SHAILESH P. BRAHME, J.)

mkd/-