



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

93 FIRST APPEAL NO. 829 OF 2026

MADHAV NARAYAN DHEKALE
VERSUS
THE COLLECTOR, JALGAON AND ORS

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Advocate for Appellant : Ms. Sakshi A. Kale h/f Mr. Kale A. B.
AGP for Respondent/s-State : Mr. V. V. Jahagirdar.
Advocate for Respondent No.3 : Mr. R. A. Tambe.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 10.03.2026

FINAL ORDER:-

1. Heard both sides.
2. Appellant is aggrieved by judgment dated 21.12.2011 passed in LAR No.293 of 2003. Appellant is claiming enhancement of the compensation relying upon common judgment dated 01.12.2023 passed by this Court. Copy of the judgment is placed on record.
3. Learned counsel Mr. Tambe opposes the submissions. He would submit that appellant has failed to make out any case for enhancement and appeal is liable to be dismissed.
4. There is no dispute that private valuer Mr. Prakash Baser was engaged by the appellant and his report was produced on

record. It is prayed that his report to the extent of 85% needs to be adopted.

5. Appellant's house property measuring 24.57 sq.mtr. was acquired for Waghur Project. The SLAO has offered the rate of 52 per sq.mtr. The reference Court enhanced the rate but deducted 25% while accepting the valuation report of the private valuer. In the similarly circumstance appeal, this Court took the view that deduction of 25% is exorbitant and reduced it to 15%. Thereby accepting the report of the private valuer to the extent of 85%. The view taken in ***First Appeal No.2563 of 2023 in the matter of Narendra Vijaysingh Girase Vs. Collector, Dhule and others*** is squarely applicable to the present case. Appellant is also entitled to similar relief. I, therefore, pass the following order :

ORDER

- (i) First appeal is allowed partly.
- (ii) The appellant shall be entitled to receive compensation by accepting report of the private valuer to the extent of 85%.
- (iii) The appellant shall not be entitled to interest and statutory benefits for the delayed period.

- (iv) The appellant shall be entitled to interest under Section 28 and 34 of the Land Acquisition Act 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. Impugned judgment and award passed by Reference Court shall stand unaltered.
- (vi) The appellant 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/-