



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

FIRST APPEAL NO. 432 of 2024

Vimalbai Dnyanoba Borade .. Appellant
Versus
The State of Maharashtra, through
Collector, Jalna and others .. Respondents

Shri D. A Bhide, Advocate and Shri Pravin B. Rakhunde, Advocate
for the Appellant in all matters.
Shri S. N. Morampalle and Shri N. D. Raje A.G.P. for the
Respondent Nos. 1 and 2 in respective matters.

**WITH
FIRST APPEAL NO. 437 of 2024**

Tukaram Bhimrao Borade .. Appellant
VERSUS
The State of Maharashtra, through
Collector, Jalna and others .. Respondents

**WITH
FIRST APPEAL NO. 436 of 2024**

Ashok @ Asaram Sudam Tanpure .. Appellant
VERSUS
The State of Maharashtra, through
Collector, Jalna and others .. Respondents

**WITH
FIRST APPEAL NO. 230 of 2023**

Aasaram Jeenaji Bobade and another .. Appellants
VERSUS
The State of Maharashtra, through
Collector, Jalna and others .. Respondents

Mrs. Geeta L. Deshpande, Advocate for the Respondent No. 3.

**WITH
FIRST APPEAL NO. 491 of 2024**

Rukminbai Subhash Mote .. Appellant
VERSUS
The State of Maharashtra, through
Collector, Jalna and others .. Respondents

Shri G. G. Suryawanshi, Advocate for the Respondent No. 3.

**WITH
FIRST APPEAL NO. 3513 of 2022**

Gangadhar Shivaji Tanpure .. Appellant
VERSUS
The State of Maharashtra, through
Collector, Jalna and others .. Respondents

Mrs. Geeta L. Deshpande, Advocate for the Respondent No. 3.

**WITH
FIRST APPEAL NO. 3514 of 2022**

Punjaram Bhimrao Borade .. Appellant
VERSUS
The State of Maharashtra, through
Collector, Jalna and others .. Respondents

Shri Ram B. Deshpande, Advocate for the Respondent No. 3.

**WITH
FIRST APPEAL NO. 3677 of 2022**

Yunus Babamiya Momin .. Appellant
VERSUS
The State of Maharashtra, through
Collector, Jalna and others .. Respondents

Shri Bhushan V. Virdhe, Advocate for the Respondent No. 3.

**WITH
FIRST APPEAL NO. 3682 of 2022**

Sumitrabai Udhavrao Tanpure .. Appellant

VERSUS

The State of Maharashtra, through
Collector, Jalna and others .. Respondents

**WITH
FIRST APPEAL NO. 3683 of 2022**

Rukhminbai Uddhavro Mhaske .. Appellant

VERSUS

The State of Maharashtra, through
Collector, Jalna and others .. Respondents

Shri Ram B. Deshpande, Advocate for the Respondent No. 3.

**AND
FIRST APPEAL NO. 3512 of 2022**

Appasaheb Bapurao Mhaske .. Appellant

VERSUS

The State of Maharashtra, through
Collector, Jalna and others .. Respondents

**AND
FIRST APPEAL NO. 483 of 2023**

Bapurao Dhondiba Mhaske
Since deceased through his L.Rs.
Aappasaheb and others .. Appellants

VERSUS

The State of Maharashtra, through
Collector, Jalna and others .. Respondents

Mrs. Sarita Gaikwad, Advocate for the Respondent No. 3.

Shri D. A Bhide, Advocate and Shri Pravin B. Rakhunde, for the Appellants in all matters.

Shri S. N. Morampalle and Shri N. D. Raje A.G.P. for the Respondent Nos. 1 and 2 in respective matters.

CORAM : SHAILESH P. BRAHME, J.

DATE : 28TH JANUARY, 2026.

FINAL ORDER :

. With the consent of the parties appeals are decided finally at admission stage.

2. These appeals can be decided by common judgment as the location of the lands under acquisition, notification U/Sec. 4 of the Land Acquisition Act, 1894 and award are common.

3. Appellants are challenging distinct judgments and award passed by the Reference Court in their respective references. Learned counsel Mr. D. A. Bide and Mr. P. B. Rakhunde for the appellants have placed on record chart showing necessary particulars and compilation for claiming parity. They are claiming rate of Rs. 4,426/- per R for dry land, when Reference Court awarded rate of Rs. 2,500/- per R only. Reliance is placed on various judgments which are part of compilation. Out of that common judgment dated 16.01.2026 passed in First Appeal No. 3681 of 2022 with other connected appeals is heavily relied. The lands from self same village Padali have been acquired under identical notification.

4. Learned counsels appearing for the respondent – acquiring

body vehemently oppose the submissions and grounds of appeals. They would submit that the rate claimed by the appellants cannot be granted as a rule of thumb. Appellants are unable to make out a case for enhancement. The Reference Court has already enhanced the rate upto Rs. 2,500/- per R, which is reasonable and adequate.

5. Lands have been acquired from village Padali, Tq. Partur, Dist. Jalna for Nimna Dudhna Project. All are classified as dry lands. The parties are *ad-idem* for the classification of the lands. The notification U/Sec. 4 of the Land Acquisition Act was issued on 09.08.2002 and award was passed on 05.08.2005.

6. Following are the material particulars.

Sr. No.	First Appeal No.	L.A.R. No.	Land gut No.	Area in (R)	Date of Sec. 4 notification	Date of Award U/Sec. 11	Rate granted by S.L.A.O. Dry land	Rate awarded by Reference Court Dry land
1	432/2024	90/2010	29/E	80R	09.08.2002	05.08.2005	Rs. 703/- per R	Rs. 2500/- per R
2	3514/2022	416/2010	29/B 29/D	79R 80R	09.08.2002	05.08.2005	Rs. 662/- per R	Rs. 2500/- per R
3	3683/2022	411/2010	31/D 25 31/C	60R 1H 18R 72R	09.08.2002	05.08.2005	Rs. 726/- per R	Rs. 2500/- per R
4	3682/2022	1013/2010	44/B	85R	09.08.2002	05.08.2005	Rs. 555/- per R	Rs. 2500/- per R
5	3513/2022	871/2010	44/A	2H 23R	09.08.2002	05.08.2005	Rs. 562/- per R	Rs. 2500/- per R
6	3677/2022	1176/2010	24/3 24/3/D	20R 28R	09.08.2002	05.08.2005	Rs. 790/- per R	Rs. 2500/- per R
7	230/2023	1230/2010	9/D	2H 84R	09.08.2002	05.08.2005	Rs. 765/- per R	Rs. 2500/- per R

8	437/2022	430/2010	37/C 37/D	1H 02R 1H 05R	09.08.2002	05.08.2005	Rs. 590/- per R	Rs. 2500/- per R
9	436/2024	943/2010	44/A	2H 40R	09.08.2002	05.08.2005	Rs. 553/- per R	Rs. 2500/- per R
10	491/2024	719/2010	7/E	1H 71R	09.08.2002	05.08.2005	Rs. 768/- per R	Rs. 2500/- per R
11	3512/2022	22/2010	16/B	5H 72R (40R pot kharab)	09.08.2002	05.08.2005	Rs. 733/- R	Rs. 2500/- per R
12	483/2023	485/2010	21/4 20/A 14/A	0.3R 0.85R 2H 31R	09.08.2002	05.08.2005	Rs. 706/- R	Rs. 2500/- per R

7. This Court has been taking consistent view of awarding rate of Rs. 2,500/- per R for dry land based on classification of the lands from village Satona acquired for Nima Dudhna Project. The cluster is comprising of various villages including village Padali. This Court had occasion to decide first appeals arising out of self same acquisition proceedings, notification and award vide common judgment dated 16.01.2026 in First Appeal No. 3681 of 2022 and other connected matters. Present appeals are squarely covered by the judgment. Appellants are entitled to claim escalation with cumulative effect. Considering the documents on record and various orders passed by this Court, which are produced on record by way of compilation, appellants are entitled to rate of Rs. 4,426/- per R for dry lands.

8. For the reasons mentioned above, I pass following order.

O R D E R

A. The first appeals are allowed partly.

- B. The appellants are entitled to receive rate of Rs. 4,426/- per R for dry land and Rs. 6,629/- per R for seasonal irrigated land, Rs. 8,852/- per R for fully irrigated land and Rs. 2,213/- per R for pot kharab land.
- C. The appellants 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 of the Full Bench of this Court in the matter of **the State of Maharashtra Vs. Kailas Shiva Rangari** reported in ***2016(4) All MR 513***.
- D. Save and except above modification, impugned judgment and award shall stand unaltered.
- E. The appellants shall not be entitled to receive interest and statutory benefits for the delayed period.
- F. The appellants shall pay the deficit court fees.
- G. Award be drawn up accordingly.
- I. Record and proceeding shall be sent back.

[SHAILESH P. BRAHME J.]

bsb/Jan. 26