



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1798 OF 2024

MINABAI W/O BHAGWANRAO DASALKAR
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, PARBHANI AND
OTHERS

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Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba
A.G.P. for Respondent nos.1 & 2 : Mr. S.N. Morampalle
Advocate for Respondent no. 3 : Mr. S.C. Arora

CORAM : SHAILESH P BRAHME, J.

DATE : 27.02.2026

PER COURT :

Heard both sides.

2. Being aggrieved by judgment and award dated 04.03.2016 passed by the Reference Court, the original claimant –appellant have filed this first appeal seeking enhancement of compensation on the ground of parity. Reliance is placed on consistent view taken in awarding rate of Rs. 2,500/- per Are for the lands acquired from village Moregaon Tq. Sailu Dist. Parbhani. The notification under Section 4 of the L.A. Act, was issued on 18.04.2005 to acquire land for the purpose of Nima Dudhna Project. Appellant is stated to have been deprived of escalation by cumulative effect.

3. The submissions of the claimants – appellants are contested by the respondents. It is submitted that no case is made out for enhancement and ground of parity is not available to them.

4. Appellant's land from village Moregaon, Tq. Sailu has been acquired for the Nima Dudhna Project Left Canal Pimpri. The classification of lands has not been challenged by the respondents – acquiring body. Following are

the material particulars.

FA No.	LAR No. and decided on	Gut No.	Total Acquired area	Notification u/s.4	Award u/s. 11 date	SLAO rate as per award	Ld. Reference Court enhanced rate per R	Type of land Ld. Reference Court awarded			
								Jirayat	Semi irrigated	Irrigated	Potkharab
1798/2024	78/2013 04.03.2016	98/A	2 H 45 R	18.04.2005	24.05.2006	Rs. 990/-	Rs. 2250/-	2H 45-R			

5. This Court has taken a consistent view in awarding compensation by extending benefit of escalation of 10% per annum considering the benchmark of rate of Rs. 2,500/- per Are for dry land, Rs. 5,000/- per Are for irrigated land and Rs. 3,750/- per Are for semi irrigated land for the cluster of villages being affected by Nimna Dudhna Project. Present case is squarely covered by the consistent view taken by this Court. The appellants are entitled to receive compensation at the rate of Rs. 6477/- per Are for dry land.

6. It is informed by the learned counsel for the respondent – acquiring body that appeals preferred by them have been withdrawn before the Lok Adalat. There is no difficulty in granting the enhancement to the appellant as per the settled law. I, therefore, pass following order.

O R D E R

A. The first appeal is allowed partly.

B. The appellant is entitled to compensation at the rate of Rs. 6477/- per Are per R for the acquired land.

C. The appellant shall not be entitled to interest and statutory benefits for the delayed period.

D. The appellant shall be entitled to receive interest U/Sec. 28 and 34 of the Land Acquisition Act in view of 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.**

E. Save and except above, the impugned judgment and award shall remain unaltered.

F. The appellant shall pay the deficit court fees.

G. Award be drawn up accordingly.

(SHAILESH P. BRAHME, J.)

mkd/-