



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 FIRST APPEAL NO. 3277 OF 2025

AVINASH BABASAHEB KENDHALE

VERSUS

THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

WITH

FIRST APPEAL NO. 3278 OF 2025

RAJESH S/O BABASAHEB KENDHALE

VERSUS

THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

...

Mr. D. M. Kakade, Advocate for Appellants

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

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CORAM : SHAILESH P. BRAHME, J.

DATE : 26.02.2026

PER COURT :-

. Heard both sides.

2. The appellants are challenging common judgment dated 20.10.2016 passed in LAR Nos.625 of 2012 and 611 of 2012. They are relying upon the rate fixed in LAR No.35 of 2014 as well as rate in LAR No.334 of 2014 for claiming enhancement. The judgment of the Reference Court passed in both the references are placed on record. They are also claiming benefits of escalation by cumulative effect with proportionate deduction. They are claiming rate of Rs.11,092/- per Are for their perennially

irrigated land and alternatively Rs.10,162/- per Are.

3. The learned AGP vehemently opposes the submissions. It is submitted that the claim of enhancement is unfounded and imaginary. There is no similarity of the lands under acquisition and the lands of which the rates are relied upon. It is submitted that both appeals are liable to be dismissed.

4. I have considered rival submissions of the parties. In both appeals, the land from village Kendhali Pokhari, Taluka Mantha, District Jalna stood acquired vide notification dated 17.07.2010. The Special Land Acquisition Officer (SLAO) offered rate of Rs.2,000/- per Are treating the lands as irrigated lands. The classification of the lands has not been disputed in both the appeals. The Reference Court enhanced the compensation to Rs.4,450/- per Are.

5. The appellants have placed reliance on the judgment dated 12.08.2021 passed in LAR No.35 of 2014. In that case, the land from selfsame village but for different percolation tank was acquired. Reliance was placed on sale instance of 16.01.2012 for 20 R of seasonal irrigated land. It was held that rate of Rs.6,833/- per Are for dry land and Rs.10,250/- per Are for semi-irrigated land was the appropriate market value. No appeal has been preferred against the award passed by the Reference Court in that case. It is not controverted that even the award is executed and entire disbursement is made

to the claimants.

6. My attention is adverted to LAR No.334 of 2014 which was decided on 09.01.2023 by the Reference Court. It was in respect of acquisition of land from village Kendhali Pokhari which is same village. After considering the sale instance at Exhibit-15 involving 20 R of land from village Jaypur adjacent to village Kendhali Pokhari, at the rate of Rs.5,000/- per Are for semi-irrigated land, the rate is worked out as Rs.4,199/- per Are for semi-irrigated land. In that case also, the award is fully executed.

7. The appellants are entitled to the benefits of escalation at the rate of Rs.10% per annum. Simultaneously, while deciding the rate, if the rate fixed in LAR No.35 of 2024 is to be accepted then the deduction at the rate of Rs.10% per annum is required to be made because the notification in that matter was of 10.07.2012. The rate comes to Rs.11,092/- per Are for perennially irrigated land. However, the Reference Court in LAR No.35 of 2014 did not consider that the rate for small piece of land was accepted. Therefore the rate of Rs.11,092/- per Are cannot be accepted as it is.

8. In case of rate fixed in LAR No.334 of 2014, if escalation for two years is added then rate comes to Rs.10,162/- per Are for perennially irrigated land. In my considered view, the rate is more closer to probable market value but in this case also while fixing the rate, small piece of land was considered.

9. Considering the rates in LAR Nos.35 of 2014 and 334 of 2014, I am of the considered view that it would be appropriate to fix the rate of Rs.10,000/- per Are for perennially irrigated land. I, therefore, pass following order.

ORDER

- a. First Appeals are allowed partly.
- b. The appellants shall be entitled to receive the rate of Rs.10,000/- per Are for perennially irrigated land.
- c. The appellants shall not be entitled to the interest and statutory benefits for the delayed period.
- d. The appellants shall be entitled to receive the rate under Section 28 and 34 of the Land Acquisition Act, 1894 as per Full Bench judgment of *State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]*.
- e. Save and except above modification, the impugned award shall stands unaltered.
- f. The appellants shall pay deficit court fees, if any.
- g. Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)