



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 3280 OF 2025

RAMESH KISAN RATHOD

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR, JALNA AND
OTHERS

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Advocate for Appellant : Mr. Kakde Shubham M.
Addl. GP for Respondent/s-State : Mr. A. R. Kale.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 15.04.2026

FINAL ORDER :-

1. Heard both sides finally at the admission stage with consent of the parties.
2. Being aggrieved by judgment and award dated 21.01.2019, passed in LAR. No.84 of 2014, the original claimant has preferred this appeal. He is seeking enhancement relying upon the common judgment dated 06.04.2026 passed by this Court in group of appeals in First Appeal No.3282 of 2025 and connected appeals. A copy of the common order is placed on record along with a map showing typography of the locations of the lands under acquisition.
3. The appeal is contested by the respondents on various grounds. It is contended that no case is made out for further enhancement. There is no similarity in the lands under acquisition and the lands which were acquired

in the matters decided by common order dated 06.04.2026.

4. Appellant's land from Gut No.332 situated at Kehalwadgaon, Taluka Mantha, District Jalna stood acquired by notification dated 28.09.2011. The Special Land Acquisition Officer offered the rate of Rs.1,400/- per R. treating the land as semi irrigated one. Thereafter, Reference Court enhanced the rate to the tune of Rs.5,855/- per R.

5. Following are the material particulars in the present first appeal :

Sr. No.	First Appeal No.	L.A.R. No.	Gut No.	Total Acquired Area	U/sec.4 notification date	U/sec.11 Award date	SLAO rate per R as per Award	Reference Court enhanced rate per R	Type of land reference court awarded			
									Dry Land	Semi Irrigated	Irrigated	Pot Kharab
144	3280/2025	84/2014	332	02 H. 98 R.	28.09.2011	21.08.2012	Rs.1400/-	Rs.5,855/-	-	02 H. 98 R.	-	-

6. The common order dated 06.04.2026 passed by this Court in First Appeal No.3282 of 2025 and connected appeals is placed on record. In that case, the lands from village Devgaon Khavne, Taluka Mantha were acquired for percolation tank. A copy of map would reflect that village Kehalwadgaon and Devgaon Khavne share a common boundary. In those matters, the notification was issued on 05.09.2007. The rate of Rs.3,700/- per R. for dry land was adopted from LAR No.608 of 2011 which is consistently relied upon by this Court. I find that present case is squarely covered by the consistent view and the common order dated 06.04.2026 passed by this Court.

7. There is no dispute that land under acquisition is semi irrigated land. Appellant is entitled to have rate of Rs.7,388/- per R. He is entitled to

escalation in view of *Huchanagouda Vs. The Assistant Commissioner and Land Acquisition Officer and others (2020) 19 SCC 236* and *Ali Mohammad Beigh and others Vs. State of Jammu and Kashmir (2017) 4 SCC 717*. Appellant is entitled to escalation for four (4) years @ 10% per annum. By adding the benefit of escalation with cumulative effect the rate works out to be Rs.10,817/- per R. for semi irrigated land. In such a circumstances, it is desirable to allow the appeal. I, therefore, pass following order :

ORDER

- (i) First appeal is allowed partly.
- (ii) The appellant shall be entitled to receive rate of Rs.10,817/- per R. for semi irrigated land.
- (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, 1894 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/-