



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 3292 OF 2025

AANNA BANSI PRADHAN

VERSUS

THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

WITH

FIRST APPEAL NO. 3290 OF 2025

SHANTABAI W/O APPASAHEB MORE

VERSUS

THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

WITH

FIRST APPEAL NO. 3288 OF 2025

APPARAV @ APPASAHEB S/O VITTHALRAV MORE (DIED) THR LRA
BANDU AND ORS

VERSUS

THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

WITH

FIRST APPEAL NO. 3291 OF 2025

AASARAM S/O NARAYAN MORE

VERSUS

THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

WITH

FIRST APPEAL NO. 3289 OF 2025

DATTA BANSI PRADHAN

VERSUS

THE STATE OF MAHARASHTRA THR COLLECTOR, JALNA AND ORS

...

Advocate for Appellants : Mr. D. M. Kakade.
AGP for Respondent/s-State : Mr. S. V. Hange.

...

CORAM : SHAILESH P. BRAHME, J.

RESERVED ON : 24.02.2026

PRONOUNCED ON : 27.02.2026

FINAL ORDER :-

1. Heard both sides finally at the admission stage with consent of the parties.

2. A common judgment and order dated 05.04.2017 passed by the Reference Court in different references is assailed in these appeals by the claimants. They are claiming enhancement by relying upon rate fixed in First Appeal No.43 of 2023 or LAR. No.457 of 2013 or LAR. No.608 of 2011.

3. Learned counsel Mr. Kakade for the appellants submits that the Reference Court in LAR. No.457 of 2013 has fixed the rate of Rs.7586/- per R. which would be adopted in the present appeals also. He would further submit that rate fixed in National Lok Adalat in First Appeal No.43 of 2023 emanating from LAR. No.214 of 2011 to the tune of Rs.4800/- be accepted. By adding the benefit of escalation rate of Rs.6,000/- per R. is solicited. In the alternative it is submitted that as per the rate of Rs.3700/- per R. arrived at in LAR. No.608 of 2011, the rate of Rs.6207/- per R. be fixed, by adding the benefit of escalation. The relevant judgments and the orders including that of National Lok Adalat are placed on record by way of separate compilation.

4. Per contra, learned AGP would vehemently oppose the claim of enhancement. It is submitted that the rate of Rs.7586/- fixed in LAR. No.457 of 2013 is not final as first appeal against it is still pending. It is submitted that rate arrived at in Lok Adalat cannot be basis for fixing the rate as it was out of settlement and contract between the parties. Lastly, it is submitted that there is no similarity in the lands acquired in LAR. No.608 of 2011 and lands acquired in the present appeals. Reliance is placed on the common order dated 23.12.2025 passed by this Court in First Appeal No.2506 of

2023 and connected matters.

5. In these group of appeals, this Court is called upon to determine as to which would be the most compatible rate, akin to the probable market value. Three rates are pressed into service by the appellants which are disputed by the respondent/acquiring body. All lands from village Devgaon Khavne stood acquired vide notification dated 26.01.2010. Undisputedly, the lands in question are dry lands. Award was passed on 20.07.2011 offering rate of Rs.1500/- per R. The Reference Court enhanced it to Rs.2600/- per R. In these backdrop the submissions of the parties are required to be assessed.

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

SR No.	F.A. No	L.A.R.No	Gut No.	Total Area	U/sec 4 Notification Date	U/sec 11 Award Date	S.L.A.O. Rate Per R as per Award	LR. Reference Court Enhanced rate per R
14	3292 of 2025 Anna Bansi Pradhan	388/2013	585	00 H 35 R	26.01.2010	20.07.2011	Rs.1500/-	Rs.2,600/-
	3288 of 2025 Apparav@Appasaheb Vitthalrao More	385/2013	593	00 H 41 R	26.01.2010	20.07.2011	Rs.1500/-	Rs.2,600/-
	3291 of 2025 Aasaram Narayan More	386/2013	580	00 H 22 R	26.01.2010	20.07.2011	Rs.1500/-	Rs.2,600/-
	3290 of 2025 shantabai Appasaheb More	387/2013	593	00 H 82 R	26.01.2010	20.07.2011	Rs.1500/-	Rs.2,600/-
	3289 of 2025 Datta Bansi Pradhan	394/2013	585	00 H 36 R	26.01.2010	20.07.2011	Rs.1500/-	Rs.2,600/-

6. The rate of Rs.7586/- per R. was fixed in LAR. No.457 of 2013 and land in that case was acquired from village Ambhora Jahagir. The judgment of LAR is under challenge in the first appeal which is subjudiced. Hence, I

am not inclined to accept the rate.

7. Next rate which is pressed into service is of Rs.6,000/- per R. based upon settlement arrived at in National Lok Adalat vide order dated 13.09.2025 in First Appeal No.43 of 2023. It was land from self-same village. In this regard it is appropriate to appreciate the ratio of the Supreme Court in *Union of India Vs. Pramod Gupta (Dead) by L.Rs. and others ; (2005) 12 Supreme Court Cases 1*. This Court had occasion to rely upon the said judgment while deciding First appeal 2506 of 2023 and connected matters on 23.12.2025. The principles of estoppel cannot be made applicable for fixing the rate, is rightly submitted by learned AGP. Besides that the rate fixed in Lok Adalat would be outcome of settlement and the contract between the parties. There can be no privity of contract between the parties of the present appeals. I, therefore, discard rate of Rs.6,000/- per R.

8. In case of LAR. No.608 of 2011 decided by common judgment and award dated 13.01.2017 land from village Mahora was acquired. The notification in that case was issued on 26.08.2004. The rate was fixed at Rs.3,700/- per R. No appeal is reported to have been filed against the judgment of the Reference Court. The map produced on record shows that village Mahora and village Devgaon Khavne share a common boundary.

9. Appellants are entitled to receive benefit of escalation by cumulative effect. I find that rate of Rs.3700/- per R. can be said to be compatible one. In that case, the notification was issued on 26.08.2004. If the escalation @

Rs.10% per annum is added for five (5) years then rate comes to Rs.5958.88 per R. It is pertinent to note that in LAR. No.608 of 2011 the rate of Rs.3700/- per R. was fixed for 1H. 72R. It is comparatively larger area than the area of the lands acquired in the present appeals. But the rate is acceptable to the appellants. For sake of convenience, I find that rate of Rs.5960/- would be the appropriate figure.

10. For the reasons stated above, I pass following order :

ORDER

- (i) First appeals are allowed partly.
- (ii) The appellants shall be entitled to receive rate of Rs.5960/- per R. for dry land.
- (iii) The appellants shall not be entitled to interest and statutory benefits for the delayed period.
- (iv) The appellants shall be entitled to interest under Section 28 and 34 of the Land Acquisition Act from the date of award 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 appellants 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.)

...

vmk/-