

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

14 FIRST APPEAL NO. 292 OF 2024

SHARAD BHANUDAS AKAT AND ORS

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, PARBHANI
AND ORS

...

Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba
AGP for Respondent Nos. 1 & 2 : Mr. N.D. Raje
Advocate for Respondent No. 3 : Mr. Patil Ruturaj C.

...

15 FIRST APPEAL NO. 293 OF 2024

RAMESH SHESHRAO DHAVALA AND ORS

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, PARBHANI
AND ORS

...

Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba
AGP for Respondent Nos. 1 & 2 : Mr. S.V. Hange
Advocate for Respondent No. 3 : Mr. Survase B.R.

...

16 FIRST APPEAL NO. 294 OF 2024

BHAURAO RAOSAHEB DHAVLE AND ANR

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, PARBHANI
AND ORS

...

Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba
AGP for Respondent Nos. 1 & 2 : Mr. S.N. Morampalle
Advocate for Respondent No. 3 : Mr. Survase B.R.

...

17 FIRST APPEAL NO. 295 OF 2024

SK. KABIR @ SK. KHADIR SK. BASU AND ANR

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, PARBHANI
AND ORS

...

Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba
AGP for Respondent Nos. 1 & 2 : Mr. S.V. Hange
Advocate for Respondent No. 3 : Mr. Survase B.R.

...
18 FIRST APPEAL NO. 296 OF 2024

KADAJI PANDURANG GAYKE (DIED) THR LRS. GANGUBAI KADAJI GAYKE
AND ORS

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, PARBHANI
AND ORS

...
Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba
AGP for Respondent Nos. 1 & 2 : Mr. N.D. Raje
Advocate for Respondent No. 3 : Mr. Patil Ruturaj C.

...
19 FIRST APPEAL NO. 297 OF 2024

SK. MIYA SK. BASU AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, PARBHANI
AND ORS

...
Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba
AGP for Respondent Nos. 1 & 2 : Mr. S.N. Morampalle
Advocate for Respondent No. 3 : Mr. Survase B.R.

...
CORAM : SHAILESH P. BRAHME, J.
DATE : 18.02.2026

ORDER :

.Heard both sides.

2. Appellants in respective first appeals are challenging common judgment and award dated **16.04.2015** passed in **L. A. R. Nos. 4/2013, 68/2011, 44/2011, 67/2011, 82/2011 and 78/2011**. They are claiming enhancement of the compensation and the benefit of escalation on the ground of parity. For that purpose, reliance is placed on consistent view being taken by this Court in numerous matters. One such elaborate judgment is passed in the matter of **Pralhad Annasaheb Nirwal vs. State of Maharashtra and others** in **First Appeal No.1778 of 2024** with connected matters on **11.12.2025**.

3. Learned Assistant Government Pleader for the respondent - State and the learned counsel for the acquiring body would oppose the submissions. It is submitted that the ground of parity is not attracted in the present appeal. Appellants have failed to make a case for enhancement and the appeal is liable to be rejected.

4. In the present case, the lands from village Salegaon Tq. Selu, Dist. Parbhani, have been acquired for 'Nimna Dudhana Project'. The lands have been classified as **dry lands**. The classification has not been disputed by both the parties. The notification under Section 4 of the Land Acquisition Act was issued on **17.03.2005** which is relevant for determining the escalation.

5. Following are the material particular of the appeal :

FA Nos.	LAR Nos.	Gat Nos.	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	Pot kharab
292/2024	4/2013	71	00-H 52-R	17.03.2005	19.06.2006	Rs 990/- & Rs.1009/-	Rs 2,250/-	00-H 52-R			
293/2024	68/2011	92	00H 90-R	17.03.2005	19.06.2006	Rs 990/- & Rs.1009/-	Rs 2,250/-	0H 90-R			
294/2024	44/2011	94	0H 23R 0H 23R ----- 0H 46R	17.03.2005	19.06.2006	Rs 990/- & Rs.1009/-	Rs 2,250/-	0H 46R			
295/2024	67/2011	164	0H 36R	17.03.2005	19.06.2006	Rs 990/- & Rs.1009/-	Rs 2,250/-	0H 36R			
296/2024	82/2011	44	1H 4R	17.03.2005	19.06.2006	Rs 990/- & Rs.1009/-	Rs 2,250/-	1H 4R			
297/2024	78/2011	164	0H 46R	17.03.2005	19.06.2006	Rs 990/- & Rs.1009/-	Rs 2,250/-	0H 46R			

6. This Court has taken consistent view in the matters of acquisitions of lands from cluster of villages for 'Nimna Dudhana Project'. After considering all aspects of the matters, rates of Rs. 2,500/- per Are for Jirayat land, Rs. 3,750/- per Are for Semi irrigated land, Rs. 5,000/- for per Are irrigated land and Rs. 1,250/- per Are for pot kharab land have been arrived at. The

benefit of escalation has also been granted in numerous cases. Present case is squarely covered by one such common judgment of **Pralhad Annasaheb Nirwal vs. State of Maharashtra and others** (supra). Appellants are entitled to receive rate of Rs. 2,500/- per Are for dry land, and escalation for 08 years 11 month and 17 days at the rate of 10% per annum. Thus the appellants are entitled to receive rate of Rs. 5,869/- per Are for dry land. The payment of interest shall be governed by the decision of the Full Bench of this Court in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari** reported in ***[2016 AIR (Bom.)141]***.

8. I, therefore, pass following order :

ORDER

- a. First Appeal is allowed partly.
- b. The appellants shall be entitled to receive rate of Rs. 5,869/- per Are for dry lands.
- c. The appellants shall not be entitled to the interest and statutory benefits for the delayed period.
- d. The appellants shall be entitled to the interest under Section 28 and 34 of the Land Acquisition Act, 1894 as per Full Bench judgment in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari** (supra).
- e. Save and except above modification, the impugned judgment and award shall stand unaltered.
- f. The appellants shall pay deficit court fees.
- g. Record and proceedings shall be sent back.
- h. Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

mkd/-