

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 FIRST APPEAL NO. 410 OF 2024

GANGADHAR UMAJI LIKHE

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. Survase B.R.

...

21 FIRST APPEAL NO. 411 OF 2024

BALASAHEB GULAB GAYKE

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.

...

22 FIRST APPEAL NO. 412 OF 2024

UDHAV ASHROBA GAYKE 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.V. Hange
Advocate for Respondent No. 3 : Mr. Survase B.R.

...

23 FIRST APPEAL NO. 413 OF 2024

GULAB MANJIRAM GAYKE (DIED) THR LRS. MUKTABAI GULABRAO
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. Survase B.R.

...

24 FIRST APPEAL NO. 414 OF 2024

VIJAYKUMAR RATANLAL DARAK

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.

...

25 FIRST APPEAL NO. 416 OF 2024

SY. CHANNU SY. LAL 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.

...

26 FIRST APPEAL NO. 417 OF 2024

KISAN BAPU SURVASE

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. Hanged
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 15.04.2015 passed in L.A.R. Nos. 63/2011, 73/2011, 3/2013, 55/2011, 74/2011, 65/2011, 76/2011. 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	Potkharab
410/2024	63/2011	82	00-H 89-R	17.03.2005	19.06.2006	Rs 990/- & Rs.1009/-	Rs 2,250/-	00-H 89-R			
411/2024	73/2011	10	00H 35-R	17.03.2005	19.06.2006	Rs 990/- & Rs.1009/-	Rs 2,250/-	00H 35-R			
412/2024	3/2013	15	0H 47R	17.03.2005	19.06.2006	Rs 990/- & Rs.1009/-	Rs 2,250/-	0H 47R			
413/2024	55/2011	10	0H 85R	17.03.2005	19.06.2006	Rs 990/- & Rs.1009/-	Rs 2,250/-	0H 85R			
414/2024	74/2011	5	1H 12R	17.03.2005	19.06.2006	Rs 990/- & Rs.1009/-	Rs 2,250/-	1H 12R			
416/2024	65/2011	6 & 164	0H 40R 0H 27R ----- 0H 67R	17.03.2005	19.06.2006	Rs 990/- & Rs.1009/-	Rs 2,250/-	0H 67R			

417/2024	76/2011	44	OH 70R	17.03.2005	19.06.2006	Rs 990/- & Rs.1009/-	Rs 2,250/-	OH 70R			
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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/-