



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 415 OF 2024

Laxman Maroti Jadhav and another .. Appellants

Versus

The State of Maharashtra, through
the Collector, Parbhani and others .. Respondents

Shri Vitthal D. Bhise, Advocate for the Appellants.
Shri S. V. Hange, A.G.P. for the Respondent Nos. 1 and 2.
Shri B. R. Survase, Advocate for the Respondent No. 3.

CORAM : SHAILESH P. BRAHME, J.
DATE : 03RD FEBRUARY, 2026.

FINAL ORDER :

. Heard both sides.

2. Appellants are challenging judgment and award dated 15.04.2015 passed in L. A. R. No. 79 of 2011 filed by the appellants for enhancement. 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 land from village Digras has been acquired for 'Nimna Dudhana Project'. The land has been classified as dry land. 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 No.	LAR No.	Gut No.	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 kh ar ab
415/2024	79/2011	43	00H 40R	17.03.2005	19.06.2006	Rs 990/-	Rs 2,250/-	0H 40R			

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 irrigated 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.]

bsb/Feb. 26