



THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH AT AURANGABAD

84 FIRST APPEAL NO. 1027 OF 2025

PRABHAKAR ASHROBA NIRWAL (DIED) THR LRS INDUBAI PRABHAKAR
NIRVAL AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR PARBHANI AND
ORS

...

Advocate for Appellant : S. M. Kakde
AGP for Respondent/s-State : Mr. C. V. Bhadane
Advocate for Acquiring Body : Shyam C. Arora

85 FIRST APPEAL NO. 1101 OF 2025

TATERAO MANIKRAO KASHTA

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR PARBHANI AND
ORS

...

Advocate for Appellant : Mr. S. M. Kakde
AGP for Respondent/s-State : Mr. G. O. Wattamwar
Advocate for Acquiring Body : Shyam C. Arora

86 FIRST APPEAL NO. 1128 OF 2025

MAHANANDA KARBHARI KASTE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR PARBHANI AND
ORS

...

Advocate for Appellant : Mr. S. M. Kakde
AGP for Respondent/s-State : Mr. S. V. Hange
Advocate for respondent No. 3 : R. A. Tambe

87 FIRST APPEAL NO. 1247 OF 2026

BALABHAU YENKAJI KASTE (DIED) THR. LRS ASARAM BALASAHEB KASTE
AND ANR

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR PARBHANI AND

ORS

...

Advocate for Appellant : Mr. S. M. Kakde
AGP for Respondent/s-State : Mrs. P. V. Diggikar
Advocate for respondent No. 3 : Ms. Chaitali Choudhari Kutti

CORAM : SHAILESH P. BRAHME, J.
DATE : 04.05.2026

PER COURT :-

1. Heard both sides. Present matters are taken up for final disposal with the consent of parties.
2. Appellants in First Appeal No. 1027/2025 and First Appeal No. 1101/2025 are challenging common judgment and award dated 16.03.2015. The appellants in remaining two appeals are challenging common judgment and award dated 22.08.2014. The relevant facts are common. They are claiming parity relying on the consistent view and the order dated 10.03.2026 passed by this Court in First Appeal No. 1100/2025.
3. Learned counsel for appellants has tendered on record order dated 10.03.2026 passed in First Appeal No. 1100/2025 allowing the appeal partly thereby fixing the rate of Rs. 11,790/- per R for perennially irrigated land. It is submitted that the notification under Section 4 of the Land Acquisition Act (for short "**L.A. Act**") and award under Section 11 of L. A. Act is common in the present appeals as well as appeal decided by this Court. Appellants are claiming rate of Rs. 5,895/- per R for dry land, Rs. 8,843/- per R for semi irrigated land

and Rs. 11,790/- per R for perennially irrigated lands.

4. Per contra learned Counsel appearing for respondent repelled the submissions, stating that parity cannot be passed into service in these appeals, as they have failed to make out any case. Already adequate enhancement has been granted, and therefore, appeals are liable to be rejected.

5. Appellants lands from village Rajwadi, Tq. Sailu, Dist. Parbhani stood acquired by notification under Section 4 dated 10.03.2006. The award was passed on 20.07.2007 offering a rate of Rs. 1,040/-per R.

6. The reference Court enhanced the rate to the tune of Rs. 2,500/- per R for dry land, Rs. 3,750/- per R for semi irrigated land and Rs. 5,000/- per R for irrigated land.

7. Following are the material particulars :

Sr. No.	First Appeal No.	L.A.R. No.	Gut No.	Area acquired	Date of Sec. 4 notification	Rate awarded by the SLAO	Rate fixed by the Reference Court
1	1027/2025	70/2011	148	00 H 64 R	10.03.2006	Rs. 1,040/-	Rs. 3,750/-
2	1101/2025	234/2011	148	00 H 60 R	10.03.2006	Rs. 1,040/-	Rs. 3,750/-
3	1128/2025	10/2011	132 134	00 H 53 R	10.03.2006	Rs. 1,040/-	Rs. 3,200/- Rs. 3,750/-
4	1247/2026	12/2011	132	00H 27 R	10.03.2006	Rs. 1,040/-	Rs. 2,500/-

8. I have gone through order dated 10.03.2026 passed in First Appeal No. 1100/2025. In that case also, the land from cluster of villages for “Nimna Dhudhana Project” were acquired and *inter alia* relying upon the consistent

view taken by this Court, the enhancement was granted in that case. The land was perennially irrigated land and therefore, the rate of Rs. 11,790/- per R was granted. The present cases are squarely covered by the consistent view taken in my previous orders.

9. The classification of the lands is not in dispute. Appellants are entitled to receive rate of Rs. 5,895/- per R for dry land, Rs. 8,843/- for semi irrigated land and Rs. 11,790/- for perennially irrigated land. Therefore, I pass following order:

ORDER

- (i) First appeals are allowed partly.
- (ii) The appellants shall be entitled to receive rate of Rs. 5,895/- per R for dry land, Rs. 8,843/- for semi irrigated land and Rs. 11,790/- for perennially irrigated 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 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 proceedings be sent back to the concerned Court, if any.

(viii) Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

B. S. Joshi