



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

45 FIRST APPEAL NO. 1309 OF 2025

Shankar Dipa Chavhan .. Appellant

Versus

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

WITH

45 FIRST APPEAL NO. 1310 OF 2025

Ramrao Bhika Rathod .. Appellant

Versus

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

Shri Shubham M. Kakde, Advocate for the Appellant in both matters.

Shri N. R. Dayma, A.G.P. for the Respondent Nos. 1 and 2 in both matters.

Shri Umesh S. Mote, Advocate for the Respondent No. 3 in both matters.

CORAM : SHAILESH P. BRAHME, J.

DATE : 23RD APRIL, 2026.

FINAL ORDER :

. Heard both sides. Taken up for final disposal with the consent of the parties.

3. Appellants are aggrieved by the common judgment and award passed by the Reference Court in L. A. R. No. 264 of 2013 and L. A. R. No. 183 of 2012, awarding very inadequate compensation. The enhancement is sought on the ground of

parity and especially referring to the order dated 08.04.2026 passed in First Appeal No. 3304 of 2025 passed by this Court. The enhancement is founded on rate of Rs. 4,199/- per R for dry land, Rs. 6,299/- per R for seasonally irrigated land and Rs. 8,398/- per R for irrigated land awarded in the above referred first appeal.

4. First Appeals are contested by the respondents on various grounds. It is submitted that no case is made out for further enhancement. There is no similarity of the lands. The ground of parity cannot be pressed into service. The appeals are liable to be dismissed.

5. Following are the relevant details.

F.A. 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			
								Jiraya t	Se mi irrigat ed	Ir ri gat ed	P ot k ha ra b
1309/2025	264/2013	54	00H 40R	27.06.2008	15.07.2010	Rs. 1700/- per R dry	Rs. 2200/- per R for dry	00 H 40 R			
1310/2025	183/2012	53	01H 60R	27.06.2008	15.07.2010	Rs. 1500/- per R dry	Rs. 3300/- per R for semi irrigated	1H 60 R			

6. The lands of the appellants from village Belora (Kokars), Tq. Mantha, Dist. Jalna stood acquired for percolation tank No.

08. The notification U/Sec. 4 of the Land Acquisition Act was issued on 27.06.2008. The rate awarded by the Special Land Acquisition Officer is Rs. 1,700/- per R in L. A. R. No. 264 of 2013 and Rs. 1,500/- per R in L. A. R. No. 183 of 2012. Reference Court enhanced the rate at Rs. 2,200/- per R for dry land and Rs. 3,300/- per R for semi irrigated land by classifying the lands. The classification of lands is not in dispute in the present appeals. Reference Court categorized the land in First Appeal No. 1310 of 2025 as semi irrigated land and enhanced the compensation as per the said rate.

7. This Court had an occasion to deal with similar type of acquisition from self same village in First Appeal No. 3304 of 2025. Vide order dated 08.04.2026, considering the rate fixed in L. A. R. No. 334 of 2014, this Court fixed the rate at Rs. 4,199/- per R for dry land and Rs. 6,299/- per R for semi irrigated land enhanced the compensation. I have gone through the order placed on record. The appeals are squarely covered by the view taken by this Court. Appellants are entitled to the rate at Rs. 4,199/- per R for dry land, Rs. 6,299/- per R for seasonally irrigated land and Rs. 8,398/- per R for irrigated land.

8. In view of the judgment of the Supreme Court in the matters of Huchangouda Vs. Assistant Commissioner and Land Acquisition Officer reported in (2020)19 SCC 236 and Ali Mohammad Beigh and others Vs. State of Jammu and Kashmir reported in (2017) 4 SCC 717, they are entitled to escalation at 10% per annum. In First Appeal No.

3304 of 2025, notification U/Sec. 4 of the L. A. Act was issued on 14.01.2008. Notification U/Sec. 4 of the L. A. Act in the present matter is issued on 27.06.2008. In that view of the matter, they are entitled to have escalation for one year with cumulative effect. The rate works out to be Rs. 4,199/- per R for dry land and Rs. 6,299/- per R for semi irrigated land.

9. I, therefore, pass following order.

O R D E R

a. The appellants shall be entitled to receive Rs. 4,199/- per R for dry land and Rs. 6,299/- per R for semi irrigated land, considering the nature of their lands classified by the Reference Court.

b. The appellants shall not be entitled to the interest and statutory benefits for the delayed period.

c. The appellants shall be entitled to receive the interest under Section 28 and 34 of the Land Acquisition Act, 1894 as per Full Bench judgment of State of Maharashtra Vs. Kailash Shiva Rangari reported in *[2016 AIR (Bom.)141]*.

d. Save and except above modification, the impugned judgment and award shall stand unaltered.

e. Record and proceeding be sent back to the Reference Court,

if any.

- f. The appellants shall pay deficit court fees, if any.
- g. Award be drawn accordingly.

[SHAILESH P. BRAHME J.]

bsb/April 26