



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

38 FIRST APPEAL NO. 2698 OF 2025

ARUN DATTRAO KAVHALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA 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. Radhakrishna K. Ingole

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 23.02.2026

PER COURT :

The appellant is taking exception to the judgment and award dated 11.02.2021 passed in L.A.R. No. 155/2012. The challenge in the appeal is that the land under acquisition should have been treated as irrigated land, when there is material on record to corroborate the claim.

2. The learned counsel for the respondents oppose the submissions. They would submit that reference Court has rightly enhanced the compensation by treating the land as semi-irrigated land and awarded rate of Rs. 2250/- per Are. It is submitted that the acquired land cannot be treated as irrigated for want of evidence.

3. The appellant's land admeasuring 3-Hectare 37-Are from Gat No. 44/1 from village Kedarwakadi Tq. Mantha District Jalna stood acquired vide notification dated 13.05.1995 for Nimna Dudhna Project. The Spl. Land Acquisition Officer offered rate of Rs. 1200/- per Are treating it as dry land . The reference Court enhanced the rate to Rs. 2250/- per Are treating it as semi-irrigated land. Present case is squarely covered by the consistent view

being taken by this Court in various judgments. One of such order dated 05.01.2026 passed in First Appeal No. 1896/2021 is placed on record.

4. My attention is adverted by learned counsel Mr. Bhise to the findings recorded by the Reference Court in paragraph nos. 13 of impugned judgment. The nature of land can be determined from record. It has source of water through well. It is situated on the bank of river Dudhana. The classification of the land by the Spl. L.A.O. is not in accordance with record.

5. The record and the proceedings shows that the 7x12 extracts indicate the pattern of Bagayat crops for number of years. The Reference Court has noted existence of well and source of water. I find that submission of Mr. Bhide is well founded. The acquired land from Gat No. 44/1 needs to be treated as irrigated land. Consequentially the appellant is entitled to rate of Rs. 4800/- per Are for irrigated land. I, therefore, pass following order:

ORDER

(I) First Appeal is allowed partly.

(II) The appellant is entitled to rate of Rs. 4800/- per Are for the acquired land as irrigated land.

(III) The appellant shall not be entitled interest and statutory benefits for the delayed period.

(IV) The appellants shall be entitled to 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 [2016 AIR (Bom.)141]**.

(V) Save and except above modification, the impugned judgment and award shall stand unaltered.

(VI) Record and Proceeding be sent back to the Reference Court.

(VII) The appellant shall pay deficit court fees.

(VIII) Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

mkd/-