



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 FIRST APPEAL NO. 3304 OF 2025

TRIMBAK BHAURAO KENDHALE

VERSUS

THE STATE OF MAHARASHTRA THR THE COLLECTOR, JALNA AND ORS

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Advocate for Appellant : Mr. S. M. Kakde

AGP for Respondent nos. 1 & 2 : Mr. S. V. Hange

Advocate for Respondent no. 3 : Mr. Pratap B. Vikhe

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CORAM : SHAILESH P. BRAHME, J.

DATE : 08.04.2026

PER COURT :

Heard both sides finally.

2. The applicant is taking exception to the judgment and award passed on 15.06.2019 in L.A.R. No. 744/2012 and aggrieved by the rate of Rs. 3265/- per Are fixed by the Reference Court. He is claiming parity by relying on the judgment dated 09.01.2023 passed in L.A.R. No. 334/2014 fixing the rate of Rs. 4199/- per Are. There is similarity in the location, potential, classification as well as notification of the lands. Village Belora and Pokhare Kendhali share a common boundary.

3. Per contra, learned counsel for the Acquiring Body would submit that the reference Court has adequately enhanced the compensation. The appellant has failed to make out any case for further enhancement. No benefit would enure to the appellant by relying upon the judgment passed by the Reference Court in L.A.R. No. 334/2014.

4. The appellant's land from village Belora stood acquired for Belora Percolation Tank vide notification dated 14.01.2008. The Spl. Land Acquisition Officer offered rate of Rs. 1250/- per Are treating the land as dry land. The Reference Court enhanced it to Rs.3265/- per Are. In L.A.R. No. 334/2014 the land from village Pokhari Kendhali was acquired vide notification dated 25.02.2008. After objective scrutiny, the Reference Court fixed the rate at Rs. 4199/- per Are treating the same as dry land. I have gone through the judgment dated 09.01.2023 passed by the Reference Court. Both villages are adjoining. There is substance in the contention of the learned counsel for the appellant that principles of parity would attract.

5. It is not the case of the respondents that any appeal was preferred against the judgment dated 09.01.2023 passed in L.A.R. No. 334/2014. It would be in the interest of justice to fix the price at Rs. 4199/- per Are to avoid the discrimination. In that view of the matter, I pass following order.

ORDER

(I) First Appeal is allowed partly.

(II) The appellant shall receive compensation at the rate of Rs. 4199/- per Are.

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

(VI) The appellant 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, impugned judgment and award shall stand unaltered.
- (VI) Appellant shall pay deficit court fees.
- (VII) Award be drawn accordingly.
- (VIII) Record and proceeding be sent back to the Reference Court.

(SHAILESH P. BRAHME, J.)

mkd/-