



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

37 FIRST APPEAL NO. 445 OF 2025

NOOR AHMED HABIBUR REHMAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR JALNA AND ORS

...

Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba

AGP for Respondent nos. 1 & 2 : Mr. N.D. Raje

Advocate for Respondent No. 3 : Mr. Narwade Vinayak P.

...

40 CIVIL APPLICATION NO. 15026 OF 2022
IN FAST/26749/2022

ZAHOOR AHMED S/O HABIBUR REHMAN

VERSUS

THE STATE OF MAHARASHTRA THRU THE COLLECTOR, JALNA AND ORS

...

Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba

AGP for Respondent nos. 1 & 2 : Mr. S.N. Morampalle

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 23.02.2026

PER COURT :

CIVIL APPLICATION NO.15026 OF 2022 FOR DELAY CONDONATION

1. The applicant seeks to condone delay of 4160 for filing appeal.
2. The contents of the application have not been controverted. There is no reason to infer any *mala fides* on the part of the applicant in preferring the appeal belatedly.
3. For the reasons stated in the application, the delay stands condoned.
4. Civil Application is disposed of.

ORDER IN FIRST APPEAL AND FIRST APPEAL (STAMP)

5. Heard both sides. The appeals are preferred against impugned

judgment and award passed in L.A.R. No. 109/2010 and 1255/2010. The appellants are claiming rate of Rs. 2400/- per Are for dry land relying on the rate fixed in L.A.R. No. 269/2014, which has not been preferred to further challenge by the Acquiring Body. The compilation of the documents are placed on record by the appellants.

6. learned counsel for the Acquiring Body would oppose the submissions and claim founded on the ground of parity.

7. In both appeals, lands from village Daithana Tq. Partur Dist. Jalna have been acquired for Kasura Bruhat Laghu Prakalp. In First Appeal No. 445/225 the Spl. Land Acquisition Officer awarded rate of Rs. 399/- per Are for dry land which is enhanced by Reference Court to Rs. 600/- per Are. In First Appeal (Stamp) No. 26749/2022 the Spl. Land Acquisition Officer offered rate of Rs. 752/- per Are, which is enhanced to Rs. 1100/- per Are. In both matters the lands are treated to be dry lands.

8. I have gone through judgment and award dated 07.05.2025 passed in L.A.R. No. 269/2014. In that case lands from self-same village were acquired for the same project and by a reasoned order the Reference Court enhanced the rate to Rs. 2400/- per Are for dry land and Rs. 4800/- per Are for irrigated land. The letter dated 01.08.2025 issued by the Executive Engineer, which is part of the compilation shows that acquiring body acquiesced with the rate and preferred not to file appeal. To have consistency, I propose to adopt rate of Rs. 2400/- per Are for dry land. The impugned judgments are unsustainable to the extent of fixation of the rate, which is discriminatory. I, therefore, pass following order:

ORDER

(I) Appellants in both the appeals are entitled to receive rate of Rs. 2400/- per Are for the acquired lands.

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

(III) The appellant shall be entitled to receive interest U/Sec. 28 and 34 of the Land Acquisition Act in view of the judgment of the Full Bench of this Court in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]**.

(IV) Save and except above, the impugned judgment and award shall remain unaltered.

(V) The appellant shall pay the deficit court fees.

(VI) Award be drawn up accordingly.

(SHAILESH P. BRAHME, J.)

mkd/-