



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 FIRST APPEAL NO. 459 OF 2026

VITHAL DADARAO BARSALE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR PARBHANI
AND ORS.

WITH FIRST APPEAL NO. 460 OF 2026

WITH FIRST APPEAL NO. 458 OF 2026

...

Advocate for Appellants : Mr. Bhise Vitthal Dnyanoba.

AGP for Respondent/s-State : Mr. S. N. Morampalle.

Advocate for Respondent No.3 : Mr. Patnurkar Vinayak. D.

...

CORAM : SHAILESH P BRAHME, J.

DATE : 25.02.2026

FINAL ORDER :-

1. Heard both sides. Taken up for final disposal with the consent of the parties.
2. Appellants are challenging common judgment and award in respective references. They are claiming enhancement of the compensation and the benefit of escalation on the ground of parity. For that purpose, reliance is placed on consistent view being taken by this Court in numerous matters. One such elaborate judgment is passed in the matter of *Pralhad Annasaheb Nirwal Vs. State of Maharashtra and others in First Appeal No.1778 of 2024* with connected matters on 11.12.2025.
3. Learned counsel for the respondents would oppose the submissions. It is submitted that the ground of parity is not attracted in the appeals.

Appellants have failed to make a case for enhancement and the appeals are liable to be rejected.

4. In the present cases, the land from village Digras (Bk), Taluka Sailu, District Parbhani has been acquired for 'Nimna Dudhana Project'. The lands have been classified as dry lands. The classification has not been disputed by both the parties. The notification under Section 4 of the Land Acquisition Act, 1894, was issued on 22.02.2006 which is relevant for determining the escalation.

5. Following are the material particulars of the appeals :

SR No.	F.A. No	L.A.R. No Decided on	Gut No.	Total Area	U/sec 4 Notification Date	U/sec 11 Award Date	S.L.A.O. Rate Per R as per Award	LR. Reference Court Enhanced rate per R	Type of land Reference Court awarded Acquired Area In ARE			
									Dry Land	Semi Irrigated	Irrigated	Pot kharab
32. A	459/2026 Vitthal D Barsale	272/2011 (09.07.2015)	91 94	00 H 69 R 00 H 86 R ----- 01 H 55 R	22.02.2006	30.07.2007	Rs.1,040/- & Rs.1,080/-	Rs.2,500/- Non irrigated Land	01 H 55 R	-----	-----	-----
32. B	460/2026 Bhanudas D Barsale	273/2011 (09.07.2015)	92	01 H 02 R	22.02.2006	30.07.2007	Rs.1,040/- & Rs.1,080/-	Rs.2,500/- Non irrigated Land	01 H 02 R	-----	-----	-----
32. C	458/2026 Dnyaneshwar B Barsale	274/2011 (09.07.2015)	94	00 H 13 R	22.02.2006	30.07.2007	Rs.1,040/- & Rs.1,080/-	Rs.2,500/- Non irrigated Land	00 H 13 R	-----	-----	-----

6. This Court has taken consistent view in the matter of acquisitions of lands from cluster of villages for 'Nimna Dudhana Project'. After considering all aspects of the matter, rate of Rs.2,500/- per R. for Jirayat land Rs.3,750/- per R. for Semi irrigated land, Rs.5,000/- for per R. irrigated land and Rs.1,250/- per R. for pot kharab land have been arrived at. The benefit of escalation has also been granted in numerous cases. Present cases are squarely covered by one such common judgment of ***Pralhad Annasaheb***

Nirwal (supra). Appellants are entitled to receive rate of Rs.5889/- per R. for dry land at the rate of 10% per annum. The payment of interest shall be governed by the decision of Full Bench in ***State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]***. I, therefore, pass following order :

ORDER

- (i) First appeals are allowed partly.
- (ii) The appellants shall be entitled to receive rate of Rs.5889/- per R. for dry 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, 1894 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 shall stand unaltered.
- (vi) The appellants shall pay deficit court fees, if any.
- (vii) Record and proceeding be sent back to the concerned Court, if any.
- (viii) Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

...