



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

46 FIRST APPEAL NO. 478 OF 2026

WITH

CIVIL APPLICATION NO. 14039 OF 2024

IN FA/478/2026

JAGAN MANIKRAO RAJBINDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR JALNA AND ORS

AND

47 FIRST APPEAL NO. 479 OF 2026

WITH

CIVIL APPLICATION NO. 14053 OF 2024

IN FA/479/2026

VITTHAL MADHVRAO RAJBINDE DIED THR LRS MANDUBAI VITTHALRAO

RAJBINDE AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA AND

ORS.

AND

64 FIRST APPEAL NO. 467 OF 2026

WITH

CIVIL APPLICATION NO. 14051 OF 2024

IN FA/467/2026

BABASAHEB PUNJAJI KHARAT DIED THR LRS INDAR KHARAT AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA AND

ORS.

AND

65 FIRST APPEAL NO. 471 OF 2026

PRABHAKAR @ PRABHU MANIKRAO RAJBINDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA AND

ORS.

AND

66 FIRST APPEAL NO. 477 OF 2026

WITH

CIVIL APPLICATION NO. 14041 OF 2024

IN FA/477/2026

PARMESHWAR BABASAHEB KHARAT
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA AND
ORS.

...

Mr. D. A. Bide, Advocate for Appellants

Mr. S. N. Morampalle, Mr. S. V. Hange and Mr. N. D. Raje, AGPs for Respondent/s-State in respective matters

Mr. B. R. Survase, Advocate for Respondent No.3 in FA/478/2026, FA/479/2026

Mr. Shyam C. Arora, Advocate for Respondent No.3 in FA/477/2026

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CORAM : SHAILESH P. BRAHME, J.

DATE : 26.02.2026

PER COURT :-

1. Heard both sides.

2. These appeals can be decided by common judgment, as the issue involved is no more *res integra*. These appeals are squarely covered by the consistent view being taken by this Court.

3. Learned counsel for the appellants has placed on record a compilation of the relevant judgments and orders passed by this Court. In **Pralhad Annasaheb Nirwal vs. State of Maharashtra and Others** and connected matters, this Court elaborately dealt with all aspects of the matter and allowed the appeals of the claimants by a common judgment dated 11.12.2025. The entitlement to escalation has also been upheld by this Court. The compilation includes the said judgment. Additionally, the order passed by this Court on

28.01.2026 in First Appeal No. 4192 of 2022 has also been annexed, which pertains to the acquisition of land from village Shridhar Jawala, Taluka Partur, District Jalna. In that case as well, an identical notification and award were considered. This Court granted enhancement to the tune of Rs. 3,268/- per Are for dry land. In the present group of appeals, the claimants are also claiming the same rate.

4. Learned counsel appearing for the acquiring body would contest the appeals mainly on the ground that the principle of parity is not attracted.

5. In the present appeals, notification under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act') was issued on 02.01.1999 for acquisition of land from village Shridhar Jawala, Taluka Partur, District Jalna, for submergence of area of the 'Nimmna Dudhana Project'. The Special Land Acquisition Officer (SLAO) awarded compensation at the following rates :

In FA/478/2026 : Rs.633/- per Are for dry land,

In FA/479/2026 : Rs.828/- per Are for dry land, Rs.1,656/- per Are for fully irrigated land, Rs.822/- per Are for dry land,

In FA/467/2026 : Rs.735/- per Are for dry land, Rs.1,102/- per Are for seasonal irrigated land, Rs.1470/- per Are for fully irrigated land, Rs.767/- per R for dry land,

In FA/471/2026 : Rs.701/- per Are for dry land, Rs.720/- per R for dry land,

In FA/477/2026 : Rs.565/ per Are for dry land.

The Reference Court enhanced the rate to Rs.2,500/- per Are treating the land as dry land, Rs.5,000/- per Are for fully irrigated land and Rs.3,750/- for seasonable irrigated land. The appellants are entitled to have escalation for three years.

6. It is pertinent to note that classification of the land has not been questioned by either of the parties. The Reference Court awarded rate of Rs.2,500/- per Are for dry land, Rs.5,000/- for irrigated land and Rs.3,750/- for seasonal irrigated land as the case may be. Hence, the appellants shall be entitled to receive Rs.3,268/- per Are for dry land, Rs.6,536/- per Are for irrigated land and Rs.4,902/-for seasonal irrigated land.

7. It is made clear that the interest shall be payable under Section 28 and 34 of the Act as per Full Bench judgment of **State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]**.

8. Learned counsel for the appellants seeks liberty to apply for rental compensation, as the possession was taken prior to issuance of notification.

9. It would be open for the appellants to approach appropriate authority to claim rental compensation.

10. I, therefore, pass following order :

ORDER

a. The appellants shall be entitled to receive Rs.3,268/- per Are

for dry land, Rs.6,536/- per Are for irrigated land and Rs.4,902/-for seasonal irrigated land, considering the nature of their land 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 [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.

h. The appellants shall be at liberty to approach the competent authority for claiming rental compensation which shall be decided in accordance with law.

(SHAILESH P. BRAHME, J.)