



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 1084 OF 2025

Shriram Soma Adhe

.. Appellant

Versus

The State of Maharashtra, through the
Collector Jalna and others

.. Respondents

Shri Shubham M. Kakde, Advocate for the Appellant.

Shri G. O. Wattamwar, A.G.P. for the Respondent Nos.1 and 3.

CORAM : SHAILESH P. BRAHME, J.

DATE : 07TH MAY, 2026.

FINAL ORDER :

- . Taken up for final disposal with the consent of the parties.
2. Appellant is challenging judgment and award dated 10.04.2019 passed by the Reference Court in L. A. R. No. 285 of 2013. He is claiming enhancement relying on the consistent view being taken by this Court. It is also followed in First Appeal No. 2141 of 2025.
3. Land of the appellant from village Pandepokhari, Tq. Partur, Dist. Jalna, which are acquired for percolation tank No. 3. The notification was issued on 10.05.2001. The rate offered by the Special Land Acquisition Officer was Rs. 837/- per R for dry land. The rate is enhanced to Rs. 2,000/- per R for dry land by

the Reference Court.

4. Learned Assistant Government Pleader would contest the submissions. It is contended that no case is made out for any further enhancement and appeal is liable to be dismissed.

5. Following are the relevant details.

F.A. No.	LAR No.	Gut No.	Total Acquired area	Notification u/s.4	Award u/s. 11 date	SLAO rate as per award	Ld. Reference Court enhanced rate per R	Type of land Ld. Reference Court awarded			
								Jiraya t	Semi irrigated	Irrigated	Potkhara b
1084/2025	285/2013	138	01H 14R	10.05.2001	10.05.2004	Rs. 837/- per R dry	Rs. 2000/- per R	1H 14 R			

6. While deciding First Appeal No. 2141 of 2025, rate fixed in L. A. R. No. 671 of 2011 was adopted to the tune of Rs. 4,629/- per R for dry land. The same rate can be adopted in the present matter. Appeal is squarely covered by the consistent view being taken by this Court.

7. The notification U/Sec. 4 of the L. A. Act in the present matter was issued on 10.05.2001. The notification U/Sec. 4 of the Act in L.A.R. No. 671 of 2011 was issued on 29.08.2007. Therefore, the principles of de-escalation is required to be applied for six years. Considering the de-escalation the rate works out is Rs. 2,460/- per R for dry land. I, therefore, pass

following order.

O R D E R

- a. The appellant shall be entitled to receive rate of Rs. 2,460/- per Are for dry land, considering the nature of his land classified by the Reference Court.
- b. The appellant shall not be entitled to the interest and statutory benefits for the delayed period.
- c. The appellant 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 reported in *[2016 AIR (Bom.)141]*.
- d. Save and except above modification, the impugned judgment and award shall stand unaltered.
- e. The appellant shall pay deficit court fees, if any.
- f. Award be drawn accordingly.

[SHAILESH P. BRAHME J.]

bsb/May 26