



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

**FIRST APPEAL NO. 1713 OF 2025**

Ankush Jaywanta Jagtap .. Appellant

**Versus**

The State of Maharashtra, through the  
Deputy Collector, L.A.O. (Lasika)  
Collector Office 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 2.  
The respondent No. 3 is served.

**AND  
FIRST APPEAL NO. 2142 OF 2025**

Lata Narayan Kharat .. Appellant

**Versus**

The State of Maharashtra, through the  
Deputy Collector, L.A.O. (Lasika)  
Collector Office Jalna and others .. Respondents

Shri Shubham M. Kakde, Advocate for the Appellant.  
Shri C. V. Bhadane, A.G.P. for the Respondent Nos.1 and 2.  
The respondent No. 3 is served.

**CORAM : SHAILESH P. BRAHME, J.  
DATE : 16TH APRIL, 2026.**

**FINAL ORDER :**

. Taken up for final disposal with the consent of the parties.

2. The appellants are challenging judgment and award dated 27.11.2019 passed in L. A. R. No. 771 of 2013 and judgment and award dated 20.01.2020 passed in L.A.R. No. 772 of 2013. In both appeals there is common notification U/Sec. 4 and 11 of the Land Acquisition Act. Hence they are decided by this common order.

3. Learned counsel for the appellants would submit that appellants are entitled to enhancement relying upon consistent view being taken by this Court in various matters namely First Appeal No. 1810 of 2025 decided on 06.03.2026 and First Appeal No. 2141 of 2025 decided on 01.04.2026. They are seeking enhancement of rate to the tune of Rs. 6,161/- per R for dry land. The order dated 01.04.2026 passed in First Appeal No. 2141 of 2025 is placed on record.

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

5. The lands of the appellants from village Pandepokhari, Tq. Partur, Dist. Jalna stood acquired by notification dated 22.08.2010. The Land Acquisition Officer offered rate of Rs. 1,670/- per R considering the lands as dry lands. The Reference Court enhanced it to Rs. 3,924/-per R in case of First Appeal No. 1713 of 2025 as the land was dry land. In another appeal, it was treated to be semi irrigated land and the rate was enhanced to

Rs. 5,886/- per R. The lands are acquired for percolation tank.

6. 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 |
| 1713/2025 | 771/2013 | 216     | 01H 15R             | 22.08.2010         | 22.06.2012         | Rs. 1670/- per R       | Rs. 3924/- per R                        | 01H 15R                                  |                |           |            |
| 2142/2025 | 772/2013 | 212     | 0H 99R              | 22.08.2010         | 22.06.2012         | Rs. 1670/- per R       | Rs. 5886/- per R                        |                                          | 0H 99R         |           |            |

7. I have gone through the order dated 01.04.2026 passed in First Appeal No. 2141 of 2025. This Court fixed the rate at Rs. 4,166/- per R treating the land as dry land, inter alia reliance was placed on the view taken by this Court in First Appeal No. 1810 of 2025. Present cases are squarely covered by the consistent view being taken. However the difference is in the nature of land in one of the appeals.

8. The notification U/Sec. 4 of the L. A. Act in the present matters was issued on 22.08.2010, whereas notification in First Appeal No. 1810 of 2025 was issued on 07.07.2006. Appellants are entitled to have escalation with cumulative effect as per the judgments of the Supreme Court in the matters of Huchangouda Vs. Assistant Commissioner and Land Acquisition Officer reported in (2020)19

*SCC 236* and Ali Mohammad Beigh and others Vs. State of Jammu and Kashmir reported in *(2017) 4 SCC 717*.

9. The appellants are entitled to receive rate of Rs. 4,629/- per R for dry land and Rs. 6,944/- per R for semi irrigated land. Adding escalation at 10% per annum for three years, the rate works out to be Rs. 6,161/- per R for dry land and Rs. 9,242/- per R for semi irrigated land. I, therefore, pass following order.

### **O R D E R**

a. The appellants shall be entitled to receive Rs. 6,161/- per Are for dry land and Rs. 9,242/- per R for seasonally irrigated land, considering the nature of their lands 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 reported in *[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.

**[ SHAILESH P. BRAHME J. ]**

*bsb/April 26*