



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

12 FIRST APPEAL NO. 1810 OF 2025

GAJANAN DIGAMBER KURDHANE AND ANR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA AND
ORS.

...
Advocate for Appellant : Mr. S.M. Kakde and D.M. Kakade
AGP for Respondent Nos. 1 & 3 : Mr. S.N. Morampalle
...

CORAM : SHAILESH P BRAHME, J.

DATE : 06.03.2026

PER COURT :

Heard both sides. The appellants are challenging judgment and award dated 30.11.2019 passed in L.A.R. No. 281/2023 enhancing the rate from Rs. 750/- per Are to Rs. 3000/- per Are.

2. Learned counsel for the appellants Mr. Kakde submits that the appellants are entitled to receive Rs. 5000/- per Are considering the decision rendered by the Reference Court in similarly circumstanced L.A.R. No. 142/2023. He has placed on record a compilation comprising of copies of judgment dated 22.04.2019 passed in L.A.R. No. 142/2013, map and the submissions. It is submitted that on the ground of parity appellants are entitled to have enhancement in the rate.

3. Learned A.G.P opposes the submissions. He would submit that there is no similarity of the lands in the present matter and the land acquired in L.A.R. No. 142/2013. The villages are different and projects are also different. It is submitted that Reference Court has taken reasonable and plausible view and no interference is called for.

4. The land of the appellants admeasuring 93-Are from village Pande Pankhari stood acquired for percolation tank at the self-same village. The notification under Section 4 was issued on 24.08.2005. The rate offered by the Spl. Land Acquisition Officer was Rs. 750/- per Are. By impugned judgment and award it was enhanced to Rs. 3000/- per Are. Following are the material particulars:

FA 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			
								Jirayat	Semi irrigated	Irrigated	Pot kharab
1810/2025	281/2013	104	0H 93R	24.08.2005	15.03.2006	Rs.750/-	Rs.3000/- per Are		0H 93R		

5. The Reference Court vide judgment and award dated 22.04.2019 in L.A.R. No. 142/2013 decided the rate to be Rs. 6250/- per Are for semi-irrigated land. In that case land from village Ashti was acquired for percolation tank No. 3 at Ashti. In that case sale instance at Exh. 25 was considered, but it was discarded. *Inter alia*, reliance was placed on the rate of Rs. 6250/- per Are fixed in L.A.R. No. 671/2011. I have gone through the judgment and award dated 22.04.2019 placed on record. It reveals from paragraph no. 22 that in L.A.R. No. 671/2011, notification under Section 4 was issued on 29.08.2007. I do not find any reason for discarding the rate fixed in L.A.R. No. 671/2011.

6. Relying on the rate in L.A.R. No. 671/2011, the rate was fixed in L.A.R. No. 142/2013. The map discloses that village Pande Pokhari and Ashti share common boundary. The guise work to some extent is permissible in such matters. The Acquiring Body is the same, albeit the percolation tanks are different. I find that rate of Rs. 6250/- per Are is compatible.

7. In the present case, notification under Section 4 was issued on

24.04.2005 and the notification in L.A.R. No. 671/2011 was issued on 29.08.2007. Deduction of 20% is required to be made from Rs. 6250/-, then the rate works out to Rs. 5000/- per Are. I, therefore, pass following order.

ORDER

- (I) First Appeal is allowed partly.
- (II) The Appellants are entitled to receive Rs. 5000/- per are for the acquired land.
- (III) The appellants shall not entitled to interest and statutory benefits for the delayed period, if any.
- (IV) The appellants shall be entitled to 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].
- (V) Save and except above modification, the impugned judgment and award shall stand unaltered.
- (VI) The appellants shall pay deficit court fees.
- (VII) Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

mkd/-