



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

FIRST APPEAL NO. 1844 OF 2024

The State of Maharashtra, through
Collector Jalna and others .. Appellants

Versus

Shriram Rangnath Girnare and others .. Respondents

Shri V. V. Jahagirdar, A. G. P. for the Appellants.
Shri D. M. Pingale, Advocate for the Respondent Nos. 1 and 2.

CORAM : SHAILESH P. BRAHME, J.
DATE : 17TH MARCH, 2026.

FINAL ORDER :

. Heard both sides finally with their consent.

2. Appellants are assailing judgment and order dated 08.11.2021 passed in L. A. R. No. 149 of 2018 granting compensation at the rate of Rs. 19,584/- per R to the respondents – claimants.

3. Learned Assistant Government Pleader Mr. Jahagirdar for the appellants submits that exorbitant rate has been granted by the Reference Court without considering nature of the land and its size. It is submitted that there is absolutely no evidence on record to show that land is fully irrigated one. It is further submitted that sale exemplar at Exhibit 21 pertains to 10R land,

whereas land under acquisition is 61 R. The rate deduceable from sale exemplar is not acceptable one due to the size of the land. It is further submitted that there are two claimants and rate which was arrived at for 10R land is adopted without there being any adequate evidence. The deduction of 20% is too inadequate. It is submitted that the crop pattern does not corroborate the claim of the claimants/respondents.

4. Per contra, learned counsel Mr. Pingale for the respondents – claimants submits that every precaution has been taken by the Reference Court while accepting the rate of sale exemplar at Exhibit 21. When the benefit of escalation was extended, simultaneously deduction towards 20% is made so as to arrive at plausible market value. It is submitted that 7/12 extract shows that a well is recorded to the account of one of the claimants – Ramesh Girnare. It is submitted that there is no reason to cause interference in the impugned judgment and award.

5. I have considered rival submissions of the parties. Respondents lands from village Takali, Tq. Bhokardan, Dist. Jalna stood acquired vide notification U/Sec. 4 of the Act dated 05.05.2005. The Special Land Acquisition Officer offered rate of Rs. 665/- per R. The Reference Court relying upon sale exemplar Exhibit 21 enhanced rate to the tune of Rs. 19,584/- treating the lands as irrigated.

6. The claimants placed on record 7/12 extracts which

indicate that there is existence of well. The crop pattern produced on record does not indicate that any bagayat crop was taken by the respondents – claimants. Going by the 7/12 extract and the crop pattern, it cannot be said that the land can be treated to be fully irrigated. Learned A. G. P. is right to some extent and lands under acquisition are treated to be semi irrigated.

7. I have gone through the impugned judgment, which indicates that the sale exemplar at Exhibit 21 has been accepted. It is of 10R of land sold on 26.05.2000, The notification in question was issued on 05.05.2005. Considering the time gap, it is rightly held that the claimant is entitled for escalation at the rate of 10% per annum by cumulative effect. For the the proximity and the potentiality, the deduction of 20% is made. The deduction is arbitrary. Instead of that I propose to deduct 10% on the count of proximity and potentiality and 10% on the count of smallness of the land. Thus deduction of 20% will remain intact. Thus rate works out to be Rs. 15,200/- per R for the acquired land. I, therefore, pass following order.

O R D E R

A. The first appeal is partly allowed.

B. Impugned judgment and order is modified to the extent that the respondents – claimants shall be entitled to rate of Rs. 15,200/- per R for the acquired land treating it to be irrigated

land.

C. Save and except above, impugned judgment and award shall stand unaltered.

D. The appellants shall disburse the amount with accrued interest by adjusting the calculations in accordance with the rate determined by this Court.

E. Award be drawn up accordingly.

[SHAILESH P. BRAHME J.]

bsb/March 26