



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

48 FIRST APPEAL NO. 2141 OF 2025

PANDIT SHESHRAO JAGTAP

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA AND
ORS.

...

Advocate for Appellant : Mr. Kakde S. M.
AGP for Respondent nos. 1 & 3 : Mrs. P. V. Diggikar

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 01.04.2026

PER COURT :

First appeal is directed against the judgment and award dated 13.02.2019 passed in L.A.R. No. 283/2013 fixing the rate of Rs. 2000/- per Are by the Reference Court. The enhancement to the tune of Rs. 4167/- per Are is solicited on the basis of the consistent view being taken by this Court. Reliance is placed on the order dated 6.3.2026 passed in First Appeal No. 1810/2025.

2. Learned counsel for the applicant submits that present case is squarely covered by the earlier view taken by this Court as well as view taken in First Appeal No. 1810/2025. It is fairly conceded by the learned counsel for the applicant that only difference in the acquisitions in First Appeal No. 1810/2025 is that the notification under Section 4 was issued on 07.07.2006 and notification in L.A.R. No. 671/2011 was issued on 29.08.2007, therefore 10% needs to be deducted to arrive at probable market rate. He has also tendered on record judgment and award dated 22.04.2019 passed in L.A.R. No. 142/2013.

3. The submissions are contested by the learned A.G.P. It is contended that there is no parity available for the appellant. It is further pointed out that in First Appeal No. 1810/2025 the land was semi-irrigated and there is difference in the date of notifications. It is contended that the appellant has failed to make out any case for further enhancement.

4. The appellants land from village Pandepokhari Tq. Partur Dist. Jalna stood acquired vide notification dated 07.07.2006. The Spl. Land Acquisition officer offered rate of Rs. 975/- per Are for treating the land as dry land. The same is enhanced to Rs. 2000/- per Are by the Reference Court.

5. Following are the material particular of the appeal :

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	Potkharab
2141/2025	283/2013	251	01H 43-R	07.07.2006	31.01.2008	Rs. 975/-	Rs. 2000/-	1 H 43 R			

5. In similarly situated matters, this Court relied upon the rate fixed in L.A.R. No. 142/2013 decided by judgment dated 22.04.2019. I have gone through the judgment and award. It *inter alia* refers to the rate fixed in L.A.R. No. 671/2011. The notification under Section 4 was issued in that case on 29.08.2007 and the acquired land was dry land. The rate was fixed at Rs. 4629/- per Are. There is no difficulty in accepting the rate considering the similarity of the circumstances.

6. In the present matter the notification under Section 4 was issued one year prior to notification issued in L.A.R. No. 671/2011, therefore 10% are liable to be deducted from rate of Rs. 4629/- and the rate works out to be Rs. 4166/- per Are. The Reference Court committed error of jurisdiction in

awarding inadequate compensation, which needs to be rectified. I, therefore, pass following order.

ORDER

- (I) First Appeal is allowed partly.
- (II) The Appellant is entitled to receive Rs. 4166/- per are for the acquired land.
- (III) The appellant shall not entitled to interest and statutory benefits for the delayed period, if any.
- (IV) The appellant 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 appellant shall pay deficit court fees.
- (VII) Award be drawn accordingly.
- (VIII) Record and proceedings be sent back to the Reference Court.

(SHAILESH P. BRAHME, J.)

mkd/-