



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

161 FIRST APPEAL NO. 2149 OF 2025

VISHWANATH RAKHMAJI KURDHANE DIED THR LRS DADASAHEB
VISHWANATH KURDHANE AND ANR

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA AND
ORS.

...

Advocate for Appellants : Mr. Kakde S.M.

AGP for Respondent nos. 1 & 3 : Mr. S. N. Morampalle

...

CORAM : SHAILESH P BRAHME, J.

DATE : 23.03.2026

PER COURT :

Heard both sides.

2. The appellants are challenging judgment and award passed in L.A.R. No. 287/2013 awarding rate of Rs. 3000/- per Are for semi-irrigated land. Relying on the judgment delivered by this Court and the consistent view being taken they are claiming rate of Rs. 5000/- per Are for semi-irrigated land. A copy of the order passed on 06.03.2026 in First Appeal no. 1810/2025 is placed on record.

3. Learned A.G.P opposes the submissions. It is submitted that already reasonable enhancement has been given by the Reference Court and the appeal is liable to be dismissed.

4. The appellants' land from village Pandepokhari stood acquired for percolation tank vide notification under Section 4 of the L.A. Act on 24.08.2005, and award was passed on 15.03.2006 offering rate of Rs. 750/- per Are. The reference court enhanced it to Rs. 3000/- per Are. There is no dispute about classification of the land.

5. I have gone through the order dated 06.03.2026 passed in First Appeal No. 1810/2025. In that case also land from self-same village was acquired under the same self-same notification and award. *Inter alia* relying upon earlier view being taken by this Court, enhancement to Rs. 5000/- per Are was granted. I find no difficulty in following the same course. Present case is squarely covered by consistent view being taken by this Court. I, therefore, pass following order:

ORDER

(I) First Appeal is allowed partly.

(III) 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/-