



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

18 FIRST APPEAL NO. 2188 OF 2025

DNYANOBA BAPURAO JAGTAP

VERSUS

THE STATE OF MAHARASHTRA THR SUB-DIVISIONAL OFFICER, L. A.  
(LASICA) JALNA AND ORS

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Advocate for Appellant : Mr. Kakde S. M.  
AGP for Respondent/s-State : Mr. G. O. Wattamwar.

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CORAM : SHAILESH P. BRAHME, J.  
DATE : 25.03.2026

**FINAL ORDER :-**

1. Heard both sides finally at the admission stage with consent of the parties.
2. Appellant is challenging judgment and award passed in LAR.No.773 of 2013. On the ground of parity, relying upon order dated 06.03.2026 passed in FA.No.1810 of 2025.
3. Learned counsel for the appellant prays escalation for three (3) years with cumulative effect.
4. Learned APP opposes the submissions. It is submitted that no case is made out for granting any further enhancement and appeal is liable to be dismissed.
5. I have considered rival submissions of the parties. Appellant's land from Pandepokhari, Taluka Partur, District Jalna was acquired for the

percolation tank. The land under acquisition is treated to be semi irrigated land which is not disputed by either side.

6. Following are the material particulars in the present first appeal :

| First Appeal No. | L.A.R. No. | Gut No. | Total Acquired Area | U/sec.4 notification date | U/sec.11 Award date | SLAO rate per R as per Award | Reference Court enhanced rate per R | Type of land reference court awarded |                |           |            |
|------------------|------------|---------|---------------------|---------------------------|---------------------|------------------------------|-------------------------------------|--------------------------------------|----------------|-----------|------------|
|                  |            |         |                     |                           |                     |                              |                                     | Dry Land                             | Semi Irrigated | Irrigated | Pot Kharab |
| 2188/2025        | 773/2013   | 212     | 00 H.<br>40 R.      | 22.08.2010                | 22.06.2012          | Rs.1670/-                    | Rs.5886/-                           | -                                    | 00 H.<br>40 R. | -         | -          |

7. I have gone through the consistent view being taken by this court which is also followed in order dated 06.03.2026 in First Appeal No.1810 of 2025 in granting rate of Rs.5,000/- per R. I find that present case is squarely covered by the consistent view being taken. However, the difference in the present matter is that this Court will have to adopt rate of Rs.6250/- per R. qua the notification dated 29.08.2007. In the case at hand, the notification was issued on 22.08.2010. Applicant shall be entitled to benefit of escalation with cumulative effect for three (3) years @ 10% per annum. The figure works out to be Rs.8,318/- per R. The appeal is bound to succeed. I, therefore, pass following order :

### **ORDER**

- (i) First appeal is allowed partly.
- (ii) The appellant shall be entitled to receive rate of Rs.8,318/- per R. for the acquired land.
- (iii) The appellant shall not be entitled to interest and statutory benefits for the delayed period.

- (iv) The appellant shall be entitled to interest under Section 28 and 34 from the date of award as per law laid down in the judgment of Full Bench in case of ***State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]***.
- (v) Save and except above modification. Impugned judgment and award passed by Reference Court shall stand unaltered.
- (vi) The appellant shall pay deficit court fees, if any.
- (vii) Record and proceeding be sent back to the concerned Court, if any.
- (viii) Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

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vmk/-