



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

38 FIRST APPEAL NO. 2886 OF 2025

MALHARI GOVINDA GAWALWAD

VERSUS

THE STATE OF MAHARASHTRA THR DIST. COLLECTOR NANDED AND
ORS

...

WITH

FIRST APPEAL NO. 2889 OF 2025

CHANDU KONDIBA KAMBLE

VERSUS

THE STATE OF MAHARASHTRA THR DIST. COLLECTOR NANDED AND
ORS.

...

Advocate for Appellants : Mr. L.R. Thakur, in both appeals.

AGP for Respondent-State : Mr. N.D. Raje

Advocate for Respondent-Acquiring Body : Mr. Mahesh C. Swami, in both
matters

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CORAM : SHAILESH P. BRAHME, J.

DATE : 19.01.2026

PER COURT :

Heard finally with consent of the parties.

2. The appellants are challenging distinct judgments and awards dated 05.05.2022 passed in L.A.R. No. 36/2016 and L.A.R. No. 35/2016. On the ground of parity rate for irrigated land is claimed in First Appeal No. 2889/2025. In First Appeal No. 2886/2025 rate of dry land i.e. Rs. 1,25,000/- per Hectare is claimed.

3. The appeals are contested by the respondents and they are objecting for any further enhancement for both of these.

4. In both appeals, lands have been acquired for Lendi Project. This Court has been taking a consistent view, when lands are acquired for Lendi

Project in awarding rate of Rs. 1,25,000/- per Hectare for dry land, Rs. 1,87,500/- per Hectare for seasonally irrigated land and Rs. 2,50,000/- per Hectare for irrigated land. Both matters are squarely covered by the judgments and the consistent view of this Court. The Reference Court enhanced the compensation only to the extent of 40%. Both the appellants are entitled to have further enhancement.

5. It is tried to be urged by the learned counsel for the appellants that in First Appeal No. 2889/2025 different parcels of the lands are acquired from Gat No. 32/11, 32/14 and 32/16. The existence of well is noted in part of the land. Therefore, it is claimed that all the parcels should have been treated to be irrigated. The submissions cannot be countenanced because no evidence is placed to show the crop pattern. The lands are adjoining lands. Therefore, claim cannot be altogether discarded. The part of the lands which are treated to be dry land needs to be considered as semi-irrigated land. Hence, the rate awardable comes to Rs. 1,87,500/- per Hectare in that case. I, therefore, pass following order.

ORDER

- (i) First Appeals are allowed partly.
- (ii) The appellant in First Appeal No. 2889/2025 shall receive the compensation at the rate of Rs. **1,87,500/-** per Hectare.
- (ii) The appellant in First Appeal No. 2886/2025 shall receive the compensation at the rate of Rs. **1,25,000/-** per Hectare.
- (iii) The appellants shall not be entitled to claim interest and statutory benefits for the delayed period.
- (iv) The appellants shall be entitled to interest U/Sec. 28

and 34 of the L. A. Act is payable from the date of final award as per the judgment in the matter of **State of Maharashtra Vs. Kailas Shiva Rangari reported in 2016(4) All MR 513.**

(v) Save and except above, rest of the impugned judgment and award shall stand unaltered.

(vi) The appellants shall pay deficit court-fees.

(vii) Award be drawn accordingly.

(viii) Record and proceedings be sent back to the concerned Court.

(SHAILESH P. BRAHME, J.)

mkd/-