



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

42 FIRST APPEAL NO. 3077 OF 2025

Rushikesh Baburao Malusare .. Appellant

Versus

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

AND

43 FIRST APPEAL NO. 3121 OF 2025

Choutubai Sampatrao More .. Appellant

Versus

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

AND

44 FIRST APPEAL NO. 3177 OF 2025

Abhishek Vivekrao More .. Appellant

Versus

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

AND

45 FIRST APPEAL NO. 3556 OF 2025

Bhagvan Vitthalrao Khavne .. Appellant

Versus

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

Shri Deepak M. Kakade, Advocate for the Appellant in all matters.

Shri S. M. Morampalle, Shri N. D. Raje and Shri V. V. Jahagirdar, A.G.P. for the Respondent Nos. 1 and 2 in respective matters.

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

FINAL ORDER :

. Heard both sides finally with their consent.

2. Appellants are challenging judgments and awards passed by the Reference Court awarding rate of Rs. 5,134/- per R. It is submitted by the learned counsel Mr. S. M. Kakade that this Court has already taken view in awarding rate of Rs. 3,700/- per R for dry land, which was fixed in L. A. R. No. 608 of 2011. The rate was accepted by this Court in deciding group of appeals on 27.06.2025. The compilation is placed on record in respect of the submissions.

3. Learned Assistant Government Pleader Mr. Morampalle appearing for the respondents – State repels the submissions by contending that Reference Court has awarded reasonable compensation. Appellants have failed to make out any case on the ground of parity for further enhancement. Appellants lands are acquired from village DevgaonKhavne, Tq. Mantha for percolation tank No. 4. Those are treated to be perennially irrigated lands, which is not disputed in the present appeals.

4. Following are the material particulars :

Sr. No.	First Appeal	L. A. R. No.	Gut No.	Acquired Area	Date of Notification U/Sec. 4	Date of Award U/Sec. 11	Rate granted by the	Rate awarded by the
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							SLAO	Reference Court Perennially Irrigated
1	3077/2025	136/2017	384	0H 35R	26.08.2004	24.03.2005	Rs. 650/- Per R	Rs. 5134/ per R
2	3121/2025	131/2017	375	0H 81R	26.08.2004	24.03.2005	Rs. 650/- Per R	Rs. 5134/ per R
3	3177/2025	140/2017	384	0H 35R	26.08.2004	24.03.2005	Rs. 650/- Per R	Rs. 5134/ per R
4	3556/2025	132/2017	183	0H 52R	26.08.2004	24.03.2005	Rs. 650/- Per R	Rs. 2567/- per R for dry land

5. This Court has taken consistent view in accepting rate of Rs. 3,700- per R for dry land as it was done in L. A. R. No. 608 of 2011. The rate was adopted in case of acquisitions of lands from village Deogaon Khavne. By common judgment dated 27.02.2026 passed in First Appeal No. 3292 of 2025 rate of Rs. 5,960/- per R was awarded for the dry land. I find that present appeals are squarely covered by the consistent view taken by this Court.

6. Appellants are entitled to receive rate of Rs. 3,700/-/- per R for the dry land. Undisputedly lands under acquisition are perennially irrigated lands. Appellants are entitled to receive rate of Rs. 7,400/- per R for perennially irrigated lands. They are not entitled to receive any benefit of escalation. The date of notification is common in the present appeals as well as L. A. R. No. 608 of 2011.

7. Only difference in First Appeal No. 3566 of 2025 is that the percolation tank is at difference place and I therefore pass following order.

O R D E R

- A. The first appeals are partly allowed.
- B. Impugned judgment and order is modified to the extent that the appellants – claimants shall be entitled to rate of Rs. 7,400/- per R in First Appeal No. 3556 of 2025, First Appeal No. 3077 of 2025 and First Appeal No. 3121 of 2025 for the acquired lands. Appellant in First Appeal No. 3177 of 2025 shall be entitled to rate of Rs. 3,700/- per R for dry land.
- C. The appellants shall not entitled to interest and statutory benefit for the delayed period.
- D. 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 of the Full Bench of this Court in the matter of **the State of Maharashtra Vs. Kailas Shiva Rangari** reported in ***2016(4) All MR 513***.
- E. Save and except above, impugned judgment and award shall stand unaltered.
- F. Appellant shall pay the deficit court fees.
- G. Award be drawn up accordingly.

[SHAILESH P. BRAHME J.]