



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

FIRST APPEAL NO. 3130 OF 2025

Balu Chokha Bhadarge

.. Appellant

Versus

The State of Maharashtra, through the
Collector Jalna and others

.. Respondents

Shri Shubham M. Kakde, Advocate for the Appellant.
Shri C. V. Bhadane, A.G.P. for the Respondent Nos.1 and 3.
Shri Umesh Mote, Advocate for the respondent No. 2.

CORAM : SHAILESH P. BRAHME, J.
DATE : 16TH APRIL, 2026.

FINAL ORDER :

- . Taken up for final disposal with the consent of the parties.
2. Appellant is challenging judgment and award dated 28.11.2019 passed by the Reference Court in L. A. R. No. 249 of 2013. He is claiming enhancement relying on the consistent view being taken by this Court. It is also followed in First Appeal No. 2141 of 2025.
3. Land of the appellant from village Pandepokhari, Tq. Partur, Dist. Jalna, which I acquired for percolation tank. The notification U/ Sec. 4 of the L. A. Act was issued on 12.04.2010. The rate offered by the Special Land Acquisition Officer was Rs.1,500/- per R for dry land. The rate is enhanced to Rs. 3,924/-

per R by the Reference Court.

4. Learned Assistant Government Pleader and the learned counsel for the acquiring body would contest the submissions. It is contended that no case is made out for any further enhancement and appeals are liable to be dismissed.

5. Following are the relevant details.

F.A. 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	Potkhara
3130/2025	249/2013	141	0H 76R	12.04.2010	30.06.2011	Rs. 1500/- per R dry	Rs. 3924/- per R for dry	0H 76R			

6. While deciding First Appeal No. 2141 of 2025, rate fixed in L. A. R. No. 671 of 2011 was adopted to the tune of Rs. 4,629/- per R for dry land. The same rate can be adopted in the present matter. Appeal is squarely covered by the consistent view being taken by this Court.

7. The appellant is entitled to have escalation by cumulative effect as per rate of 10% per annum for a period of three years as per the judgments of the Supreme Court in the matters of Huchangouda Vs. Assistant Commissioner and Land Acquisition Officer

reported in *(2020)19 SCC 236* and Ali Mohammad Beigh and others Vs. State of Jammu and Kashmir reported in *(2017) 4 SCC 717..* The notification in the present matter was issued on 12.04.2010, whereas notification in L.A.R. No. 671 of 2011 was issued on 09.08.2007. The rate works out to be Rs. 5,601/- per R for dry land. I, therefore, pass following order.

O R D E R

- a. The appellant shall be entitled to receive Rs. 5,601/- per Are for dry land, considering the nature of their lands classified by the Reference Court.
- b. The appellant shall not be entitled to the interest and statutory benefits for the delayed period.
- c. The appellant shall be entitled to receive 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 reported in *[2016 AIR (Bom.)141]*.
- d. Save and except above modification, the impugned judgment and award shall stand unaltered.
- e. Record and proceeding be sent back to the Reference Court, if any.

- f. The appellant shall pay deficit court fees, if any.
- g. Award be drawn accordingly.

[SHAILESH P. BRAHME J.]

bsb/April 26