



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

FIRST APPEAL NO. 3413 OF 2025

Vishnu Abasaheb Bhokare and others .. Appellants

Versus

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

Shri Vitthal D. Bhise, Advocate for the Appellants.

Shri S. V. Hange, A.G.P. for the Respondent Nos. 1 and 2.

Shri Rahul A. Tambe, Advocate for the Respondent No. 3.

CORAM : SHAILESH P. BRAHME, J.

DATE : 02ND FEBRUARY, 2026.

FINAL ORDER :

. Heard both sides finally.

2. Being aggrieved by common judgment and award dated 01.09.2010 passed in L. A. R. No. 44 of 2006, original claimants have preferred this appeal. Appellants have filed civil application under Rule 27 of Order XLI of the Code of Civil Procedure to buttress the submission that in similarly situated matters the rate of Rs. 4,800/- per R was fixed for irrigated land. No appeal was preferred by the State in that matter. The same rate can be made applicable to the present case with benefit of escalation.

3. The learned Assistant Government Pleader for the respondent Nos. 1 and 2 and Mr. Tambe, learned counsel for the respondent No. 3 – acquiring body would vehemently oppose the

submissions. It is submitted by Mr. Tambe, learned counsel that in the present matter impugned judgment is passed on 01.09.2010. But in L. A. R. No. 269 of 2014, the judgment of the Reference Court is passed on 07.05.2025. The rate fixed in subsequent matter cannot be made applicable.

4. Following are the material particular of the appeal :

FA 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
3413/2025	44/2006	6427	1H06R	01.09.2000	11.12.2003	Rs. 635/-	Rs. 1100/-	1H06R			

5. The land in question is from village Daithna, Tq. Partur, which is acquired for Kasura Bruhat Minor Project. Notification U/Sec. 4 of the Land Acquisition Act was issued on 01.09.2000. In similarly situated matter the Reference Court awarded rate of Rs. 2,400/- per R for dry land, Rs. 3,600/- per R for semi irrigated land and Rs. 4,800/- per R for irrigated land. The respondent – State did not prefer any appeal. The rate fixed by the Reference Court at Rs. 1,100/- per R for dry land is discriminatory.

6. This Court has been consistently awarding benefit of escalation at 10% per annum. In the present matter the notification U/Sec. 4 of the L. A. Act was issued on 01.09.2000. In L. A. R. No. 269 of 2014, the notification was issued on

26.12.1996. Appellants are entitled to claim escalation for 03 years and 08 months. They are entitled to rate of Rs. 3,412/- per R for dry land.

7. I, therefore, pass following order :

ORDER

- a. First Appeal is allowed partly.
- b. The appellants shall be entitled to receive rate of Rs. 3,412/- per Are for dry land.
- c. The appellants shall not be entitled to the interest and statutory benefits for the delayed period.
- d. The appellants shall be entitled to the interest under Section 28 and 34 of the Land Acquisition Act, 1894 as per Full Bench judgment in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari** (supra).
- e. Save and except above modification, the impugned judgment and award shall stand unaltered.
- f. The appellants shall pay deficit court fees.
- g. Award be drawn accordingly.

[SHAILESH P. BRAHME J.]