



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 50 OF 2026

SUBHASH GAJANAN KOTALWAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE DISTRICT COLLECTOR
LATUR AND ANR

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Advocate for Appellant : Mr. Sontakke Gajanan K.

AGP for Respondent/s-State : Mr. S. V. Hange.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 14.01.2026

FINAL ORDER :-

1. Heard both sides finally at the admission stage.
2. Appellant is taking exception to the judgment and award dated 08.06.2017 passed by the Reference court in LAR.No.329 of 2006. On the ground of parity, appellant is claiming rate of Rs.165/- per Sq.Ft. A compilation is placed on record to support the claim.
3. Appeal is contested by the respondents on the ground that no case is made out for the enhancement. There is no similarity in the lands. The lands under acquisition in the cited judgments had N.A. potential whereas present matter it is a dry land. It's 65 R. of land from Gut No.384, village Babhalgaon, Taluka and District Latur has been acquired for the purpose of Percolation Tank No.2. The notification under Section 4 was published on 10.01.2003. SLAO offered rate of Rs.55,760/- per acre. Being aggrieved,

reference was preferred and the rate was enhanced to Rs.2,23,000/- per acre. Appellant is claiming rate of Rs.165/- per Sq.Ft. on the ground of parity.

4. The land from the same village was acquired for the same purpose. The Reference Court enhanced the rate to the tune of Rs.125/- per Sq.Ft., vide common judgment dated 29.04.2022 passed in LAR.No.80 of 2012 and connected matters. A copy of the judgment is placed on record. Those claimants had approached High Court by preferring First Appeal No.2762 of 2023 and connected matters. The Division Bench partly allowed the appeals thereby granting enhancement to Rs.165/- per Sq.Ft. The Court deducted 25% and then arriving rate of Rs.165/- per Sq.Ft. The judgment is squarely applicable to the present case. On the ground of parity, appellant is entitled to receive rate of Rs.165/- per Sq.Ft. I, therefore, pass following order :

ORDER

- (i) First appeal is allowed partly.
- (ii) The appellant shall be entitled to receive rate of Rs.165/- per Sq.Ft.
- (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 shall stand confirmed.
- (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/-