



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 100 OF 2026

VILAS DATTARAO KHVHALE

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, JALNA AND
ORS

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Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba.

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

Advocate for Respondent No.3 : Ms. Sarita Gaikwad.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 20.01.2026

FINAL ORDER :-

1. Heard both sides finally at the admission stage with consent of the parties.
2. The appellant is challenging judgment and award passed in LAR.No.163 of 2012. On the ground of parity it is claimed that appellant is entitled to receive rate of Rs.3600/- per R. by treating the land as semi irrigated.
3. The respondents have opposed the claim and the submissions of the appellant. It is submitted that the classification upheld by the Reference Court is appropriate and no enhancement further can be granted.
4. Appellant's lands from Kedarwakadi, Taluka Mantha, District Jalna has been acquired for Nimna Dudhana Project by notification dated

13.05.1995. The land acquired i.e. 3H. 37R. is treated to be dry land. It is submitted that the existence of the well, crop pattern and the oral evidence have not been properly appreciated by the Reference Court.

5. Following are the material particulars in the present first appeals :

Sr. No.	First Appeal No.	L.A.R. No.	Gut No.	Total Acquired Area	U/sec.4 notification date	U/sec.11 Award date	SLAO rate per R as per Award	Reference Court enhanced rate per R	Type of land reference court awarded			
									Dry Land	Semi Irrigated	Irrigated	Pot khara b
38	100/2026	163/2012	44/1	03 H. 37 R.	13.05.1995	31.03.1999	Rs.668/-	Rs.1,500/-	03 H. 37 R. Through there is well & crop pattern of bagayat crops in 7/12 Reference Court not considered.	-	-	-

6. The existence of the well is noticed by the Reference Court but its benefits are denied by castigating doubt because one more occupant is noticed in the Gut. The crop pattern shows the land is of composite nature. The existence of source of water has also been stated in the oral evidence. There is no contra evidence led by the respondents. I am of the considered view that instead of treating the land of the appellant dry land it should be treated as semi-irrigated land.

7. This Court has been taking consistent view in awarding rate of Rs.2400/- per R. considering the fact that the notification under Section 4 is of the earlier period than the benchmark notification dated 31.03.1996. It is further informed that numbers of matters are settled before Lok-Adalat by accepting rate of Rs.2400/- per R. for dry land which consequentially comes

to Rs.3600/- per R. for semi irrigated land. Reliance is rightly placed on order dated 05.01.2026 passed in First Appeal No.1896 of 2021 awarding rate of Rs.2400/- per R. for dry land. I, therefore, pass following order :

ORDER

- (i) First appeal is allowed partly.
- (ii) The appellant shall be entitled to receive rate of Rs.3600/- per R. for semi irrigated land.
- (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 Court shall stand unaltered.
- (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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