



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 2979 OF 2025

Rama Bhujaba Dukare

...Appellant

Versus

The State of Maharashtra and Ors

...Respondents

- Mr. V. V. Ingale, Advocate for the Appellant
- Mr. S. N. Morampalle, AGP for the Respondent Nos. 1 and 2/State

CORAM : SHAILESH P. BRAHME, J

DATE : MARCH 12, 2026

PC :

1. Heard learned Counsels for both sides finally.
2. Being aggrieved by the judgment and award dated 31.01.2014 passed in LAR No.560/2002, original Claimant has preferred this Appeal for enhancement of compensation.
3. Learned Counsel for the Appellant submits that in a similarly situated matter High Court enhanced the compensation by awarding rate of Rs.52,000/- for the dry land in First Appeal No. 993/2011 with connected matters vide judgment dated 26.04.2017. Copy of the common judgment is placed on record. It is submitted that on the ground of parity and by extending benefit of escalation, Appellant is entitled to receive rate of Rs.80,000/- per Acre.

4. Per contra, learned AGP repels the submissions contending that no case is made out to grant any enhancement on the ground of parity. It is submitted that sale instance relied upon the Coordinate Bench is for smaller piece of land and no deductions were made.

5. In the present matter, 87R of land from Gut No. 165 stood acquired vide notification dated 14.07.1994. It was from village Tambewadi, Tq. Paranda, Dist. Osmanabad. SLAO offered rate of Rs.15,660/- per Hector. Reference Court enhanced it to Rs.36,300/- per Acre.

6. I have gone through the common judgment and award passed by this Court in First Appeal No. 993/2011 and connected Appeals. This Court had relied upon the self sale instance, which is at Exhibit 17. This Court fixed the rate at Rs.52,000/- per Acre for dry land. In the present matter, 87R of land is acquired. Therefore, rate of the land in the self exemplar, which is for smaller piece of land would not be appropriate and compatible. I propose to deduct 15% due to smallness of area. It comes to Rs.44,200/- per Acre. Appellant is entitled to have benefit of escalation with cumulative effect for five years. Thus, the rate works out to be Rs.71,184/- per Acre.

7. I find that interest under Section 28 and 34 of the Land

Acquisition Act has not been awarded in consonance with law laid down in the judgment of Full Bench in case of *State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.) 141]*. It needs to be corrected.

I, therefore, pass following order:

ORDER

- (i) First appeal is allowed partly.
- (ii) The appellant shall be entitled to receive rate of Rs.71,184/- per Acre.
- (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 of the Land Acquisition Act, 1894 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 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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