



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL No. 3466 OF 2025

Samadhan S/o Tukaram Jadhav Died
Through the Legal Representatives...

- 1] Lilabai Samadhan Jadhav,
Age : 60 years, Occu. Agril.,
- 2] Raju Samadhan Jadhav,
Age : 47 years, Occu. Agril.,

Both R/o. Dhaba, Tal. Soygaon,
District : Aurangabad

.. Appellants
(Orig. Claimants)

Versus

- 1] The Special Land Acquisition Officer,
Jayakwadi Project – 2,
Aurangabad
- 2] The Executive Engineer,
Minor Irrigation Division No. 01,
Aurangabad, Dist. Aurangabad

.. Respondents
(Orig. Respondents)

WITH
FIRST APPEAL No. 3467 OF 2025

- 1] Shashikalabai W/o Waman Helwade,
Age : 50 years, Occu. Agril.,
- 2] Suresh S/o Waman Helwade,
Age : 27 years, Occu. Agril.,

Both R/o. Dhaba, Tal. Soygaon,
District : Aurangabad

.. Appellants
(Orig. Claimants)

Versus

- 1] The Special Land Acquisition Officer,
Jayakwadi Project – 2,
Aurangabad
- 2] The Executive Engineer,
Minor Irrigation Division No. 01,
Aurangabad, Dist. Aurangabad

.. Respondents

(Orig. Respondents)

**WITH
FIRST APPEAL No. 3468 OF 2025**

Pralhad S/o Digambar Jadhav,
Age : 65 years, Occu. Agril.,
R/o. Dhaba, Tal. Soygaon,
District : Aurangabad

.. Appellant
(Orig. Claimant)

Versus

1] The Special Land Acquisition Officer,
Jayakwadi Project – 2,
Aurangabad

2] The Executive Engineer,
Minor Irrigation Division No. 01,
Aurangabad, Dist. Aurangabad

.. Respondents
(Orig. Respondents)

**WITH
FIRST APPEAL No. 3469 OF 2025**

Ashok S/o Tulshiram Gawande,
Age : 65 years, Occu. Agril.,
R/o. Nandgaon, Tal. Soygaon,
District : Aurangabad

.. Appellant
(Orig. Claimant)

Versus

1] The Special Land Acquisition Officer,
Jayakwadi Project – 2,
Aurangabad

2] The Executive Engineer,
Minor Irrigation Division No. 01,
Aurangabad, Dist. Aurangabad

.. Respondents
(Orig. Respondents)

**WITH
FIRST APPEAL No. 3471 OF 2025**

Ramdas S/o Prabhat Kakane,
Age : 57 years, Occu. Agril.,
R/o Dhaba, Tq. Soygaon,
District : Aurangabad

.. Appellant
(Orig. Claimant)

Versus

1] The Special Land Acquisition Officer,
Jayakwadi Project – 2,
Aurangabad

2] The Executive Engineer,
Minor Irrigation Division No. 01,
Aurangabad, Dist. Aurangabad

.. Respondents
(Orig. Respondents)

**WITH
FIRST APPEAL No. 3472 OF 2025**

Narayan S/o Bhika Pawar,
Age : 60 years, Occu. Agril.,
R/o. Dhaba, Tq. Soygaon,
District : Aurangabad

.. Appellant
(Orig. Claimant)

Versus

1] The Special Land Acquisition Officer,
Jayakwadi Project – 2,
Aurangabad

2] The Executive Engineer,
Minor Irrigation Division No. 01,
Aurangabad, Dist. Aurangabad

.. Respondents
(Orig. Respondents)

**WITH
FIRST APPEAL No. 3473 OF 2025**

1] Nalinibai W/o Bahadursingh Rajput Died
Through the Legal Representatives ...

1-A] Bahadursingh S/o Shansingh Rajput Died
Through the Legal Representatives ..

1-A1] Rejendrasing S/o Bahadursingh Rajput,
Age : 50 years, Occu. Agril.,

1-A2] Jitendrasing S/o Bahadursingh Rajput,
Age : 48 years, Occu. Agril.,

2] Mankarnikabai W/o Uttamsingh Rajput,
Age : 57 years, Occu. Agril.,

Both R/o. Nandagaon
Tal. Soygaon, District : Aurangabad

.. Appellants
(Orig. Claimants)

Versus

- 1] The Special Land Acquisition Officer,
Jayakwadi Project – 2,
Aurangabad
- 2] The Executive Engineer,
Minor Irrigation Division No. 01,
Aurangabad, Dist. Aurangabad

.. Respondents
(Orig. Respondents)

**WITH
FIRST APPEAL No. 3474 OF 2025**

- 1] Vasanta S/o Sitaram Chavan,
Age 55 years, Occu. Agril.,
- 2] Bhaidas S/o Jairam Rathod,
Age 48 years, Occu. Agril.,

Both R/o Pipalwadi, Dhaba,
Nandagaon, Tal. Soygaon,
District : Aurangabad

.. Appellants
(Orig. Claimants)

Versus

- 1] The Special Land Acquisition Officer,
Jayakwadi Project – 2,
Aurangabad
- 2] The Executive Engineer,
Minor Irrigation Division No. 01,
Aurangabad, Dist. Aurangabad

.. Respondents
(Orig. Respondents)

**WITH
FIRST APPEAL No. 3476 OF 2025**

- 1] Kantabai W/o Shriram Ragad,
Age : 50 years, Occu. Agril.,
- 2] Shriram S/o Pandu Ragad Died
Through the Legal Representatives ...
- 2-A] Sanjay S/o Shriram Ragad,
Age : 40 years, Occu. Agril.,
- 2-B] Surekha Rajendra Sonne,
Age : 35 years, Occu. Agril.,

- 3] Supada S/o Shriram Ragad,
Age : 42 years, Occu. Agril.,

All R/o. Nandgaon, Tal. Soygaon,
District : Aurangabad

.. Appellants
(Orig. Claimants)

Versus

- 1] The Special Land Acquisition Officer,
Jayakwadi Project – 2,
Aurangabad

- 2] The Executive Engineer,
Minor Irrigation Division No. 01,
Aurangabad, Dist. Aurangabad

.. Respondents
(Orig. Respondents)

**WITH
FIRST APPEAL No. 3478 OF 2025**

- 1] Gopichand S/o Pita Chavan,
Age : 45 years, Occu. Agril.,
- 2] Nathhu S/o Bhma Jadhav Died
Through the Legal Representatives...
- 2-A] Uttam S/o Nathhu Jadhav,
Age : 60 years, Occu. Agril.,
- 2-B] Abarao S/o Nathhu Jadhav,
Age : 57 years, Occu. Agril.,
- 2-C] Darasingh S/o Nathhu Jadhav Died
Through the Legal Representatives ...
- 2-C1] Sagunabai Wd/o Darasingh Jadhav,
Age : 55 years, Occu. Agril.,
- 2-C2] Vilas S/o Darasingh Jadhav,
Age : 23 years, Occu. Agril.,
- 2-C3] Akash S/o Darasingh Jadhav,
Age : 19 years, Occu. Agril.,
- 2-C4] Pujabai W/o Rajesh Rathod,
Age : 31 years, Occu. Agril.,
- 2-C5] Laxmi W/o Pravin Rathod,
Age : 25 years, Occu. Agril.,

2-D] Raghunath S/o Nathhu Jadhav,
Age : 47 years, Occu. Agril.,

2-E] Kashibai w/o Gurumuk Rathod,
Age : 65 years, Occu. Agril.,

All R/o Nandgaon, Tal. Soygaon,
District : Aurangabad

.. Appellants
(Orig. Claimants)

Versus

1] The Special Land Acquisition Officer,
Jayakwadi Project – 2,
Aurangabad

2] The Executive Engineer,
Minor Irrigation Division No. 01,
Aurangabad, Dist. Aurangabad

.. Respondents
(Orig. Respondents)

**WITH
FIRST APPEAL No. 3479 OF 2025**

Bhagwat S/o Dnyndeo Dokhale,
Age. 40 years, Occu. Agril.,
R/o. Dhaba, Tal. Soyagaon,
District : Aurangabad

.. Appellant
(Orig. Claimant)

Versus

1] The Special Land Acquisition Officer,
Jayakwadi Project – 2,
Aurangabad

2] The Executive Engineer,
Minor Irrigation Division No. 01,
Aurangabad, Dist. Aurangabad

.. Respondents
(Orig. Respondents)

**WITH
FIRST APPEAL No. 3480 OF 2025**

1] Uttam W/o Tukaram Jadhav,
Age. 60 yeras, Occu. Agril.,

2] Tukaram S/o Vithal Jadhav, Died
Through the Legal Representatives ...

2-A] Sarjabai Wd/o Tukaram Jadhav,
Age. 87 years, Occu. Agril.,

Both R/o. Dhaba, Tal. Soygaon,
District : Aurangabad

.. Appellants
(Orig. Claimants)

Versus

1] The Special Land Acquisition Officer,
Jayakwadi Project – 2,
Aurangabad

2] The Executive Engineer,
Minor Irrigation Division No. 01,
Aurangabad, Dist. Aurangabad

.. Respondents
(Orig. Respondents)

**WITH
FIRST APPEAL No. 3481 OF 2025**

1] Narsingh S/o Parma Rathod,
Age : 55 years, Occu. Agril.,

2] Bhagirathibai w/o Parma Rathod,
Age : 45 years, Occu. Agril.,

Both R/o Nandagaon,
Tal. Soygaon,
District : Aurangabad

.. Appellants
(Orig. Claimants)

Versus

1] The Special Land Acquisition Officer,
Jayakwadi Project – 2,
Aurangabad

2] The Executive Engineer,
Minor Irrigation Division No. 01,
Aurangabad, Dist. Aurangabad

.. Respondents
(Orig. Respondents)

...

Advocate for appellants in all FAs : Mr. D.A. Bide h/f. Mr. Tejas C. Sonawane
AGP for the respondent – State : Mr. S.V. Hange, Mrs. P.V. Diggikar,
Mr. A.R. Kale, Mr. B.B. Bhise, Mr. N.S. Tekale and Mrs. S.S. Joshi in
respective FAs

Advocate for respondent no. 2 – Acquiring Body in all
FAs : Dr. (Mrs.) Kalpalata Patil Bharaswadkar

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 08 APRIL 2026

ORDER :

The First Appeals are taken up for final disposal with the consent of the parties.

2. The appellants are challenging distinct judgments and awards passed by the reference Court in their respective reference applications. Acquisition of the lands in question is for the same project. The material dates and events are common. Hence, I propose to decide the appeals by common judgment.

3. The lands of the appellants from village Nandgaon and Dhaba, Taluka – Soygaon, District – Aurangabad have been acquired for construction of distributory main canal of Pimpalwadi Minor Irrigation Tank. The possession of the lands was taken on 29.04.1998 by private negotiations. The notification under section 4 was issued on 29.04.1998. Award under section 11 of the Act was declared on 25.02.2006. The reference Court offered rate of Rs.625/- per R. The reference Court enhanced it to Rs.2,500/- per R.

4. Following are the material particulars of all Appeals :-

Sr.No	First Appeal No.	LAR No	Party Name	Land out of Gut No.s	Acquired Area
1.	FA No.3466/2025	242/2012	Samadhan Tukaram Jadhav Died LRs Lilabai	Gut No.14	00H 38R
2.	FA No.3467/2025	254/2012	Shashikala Waman Helwade and others	Gut No.52	00H 28R
3.	FA No.3468/2025	224/2012	Pralhad Digamber Jadhav	Gut No.28	00H 34R
4.	FA No.3469/2025	246/2012	Ashok Tulshiram Gawande	Gut No.44	00H 31R
5.	FA No.3471/2025	244/2012	Ramdas Prabhat Kakane	Gut No.34	00H 54R
6.	FA No.3472/2025	249/2012	Narayan Bhika Pawar	Gut No.27	00H 21R

7.	FA No.3473/2025	245/2012	Nalinibai Bahadursing Rajput Died LRs Bahadursing	Gut No.62 Gut No.46	00H 37R 00H 09R
8.	FA No.3474/2025	247/2012	Vasanta Sitaram Chavan and others	Gut No.70 Gut No.72	00H 17R 00H 18R
9.	FA No.3476/2025	219/2012	Kantabai Shrram Ragad and others	Gut No.58 Gut No.58 Gut No.57 Gut No.56	00H 27R 00H 11R 00H 10R 00H 13R
10.	FA No.3478/2025	252/2012	Gopichand Pita Chavan and others	Gut No.36 Gut No.35	00H 32R 00H 34
11.	FA No.3479/2025	217/2012	Bhagwat Dnyandeo Dokhale	Gut No.35	00H 35R
12.	FA No.3480/2025	241/2012	Uttam Tukaram Jadhav and others	Gut No.44 Gut No.43	00H 14R 00H 12R
13.	FA No.3481/2025	250/2012	Narsingh Parma Rathod and others	Gut No.37	00H 35R

5. Learned counsel Mr. Bide appearing for the appellants submits that the Reference Court committed error of jurisdiction in fixing meager rate of Rs. 2,500/- per R. The rate deducible from the sale instance at Exhibit 35 to the tune of Rs. 3,937/- per R was compatible and should have been accepted. It is submitted that under identical circumstances the Reference Court preferred to fix rate of Rs. 3,960/- relying upon sale deed dated 27.07.1998 at Exhibit 35. On the ground of parity, appellants are entitled to receive the highest rate. Learned counsel has placed on record copies of the award, judgment dated 13.02.2020 passed in L. A. R. No. 253 of 2012 and letter dated 19.10.2020 issued by S. D. O. to claim enhancement.

6. Per contra, learned counsel Smt. Kalpalata Patil Bharaswadkar appearing for the acquiring body submits that reasonable and plausible view has been taken by the Reference Court

and claim for enhancement is unfounded. It is submitted that no estoppel would operate against the acquiring body and, therefore, reliance on the judgment dated 13.02.2020 passed by the Reference Court in L. A. R. No. 253 of 2012 is misplaced. Reliance is placed on the judgment of the Supreme Court in the matter of **Union of India Vs. Pramod Gupta (D) by L.Rs. and others** reported in ***AIR 2005 SC 3708***. It is further submitted that the location and potential of the lands under acquisition and the lands acquired in L.A.R. No. 253 of 2012 cannot be said to be identical.

7. I have considered rival submissions of the parties. The lands under acquisition are treated to be dry lands. The sale instance at Exhibit 35 was pressed into service before the Reference Court by the appellants. The respondent – acquiring body did not adduce any evidence. The judgment dated 13.02.2020 passed in L. A. R. No. 253 of 2012 is subsequent in time. No appeal was preferred by the acquiring body challenging judgment dated 13.02.2020 passed in L. A. R. No. 253 of 2012. The letter dated 19.10.2020 issued by the S.D.O. shows acquiescence.

8. The Reference Court fixed the rate of Rs. 2,500/- per R relying on the rate fixed in L.A.R. No. 253 of 2012. The rate deductible from sale exemplar at Exhibit 35 is discarded without assigning any reasons. The acquisition for the project in question was undertaken

from village Pimpalwadi, Dhabha and Nandgaon. The sale exemplar at Exhibit 35, which was in respect of land from village Pimpalwadi is compatible and should have been accepted.

9. The appellants are entitled to the benefit of escalation with cumulative effect in view of the law laid down by 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**. As per sale exemplar Exhibit 35, the rate was Rs. 2,250/- per R. After addition of 10% escalation per year for seven years and six months, the rate works out to be Rs. 3,937/- per R.

10. I have also gone through the award dated 25.02.2008, by which lands of the appellants came to be acquired by the self same award. Lands from village Dabha and Nandgaon were also acquired. Land gut No. 26 was acquired from village Dabha. The claimant had preferred L.A.R. No. 253 of 2012 before the Reference Court. It was allowed vide judgment dated 13.02.2020. By reasoned order and relying upon the sale deed dated 27.07.1998 at Exhibit 35, the price was fixed at Rs. 3,960/- per R. I do not find that there is any reason to discard the rate fixed by the Reference Court. For the selfsame purpose lands in the present cases are acquired. There is similarity of

the location and potential of the lands. In that case also land was held to be dry land. I have no hesitation to adopt the rate. It is laid down by the Supreme Court in various judgments including judgment in the matter of **Meherwal Khewaji Trust (Reg.) Faridkot and others Vs. State of Punjab and others** reported in ***AIR 2012 SC 2721*** that highest rate of the sale exemplar if found to be genuine and akin to the land be accepted. The appellants are entitled to the enhancement in compensation at the rate of Rs. 3,960/- per R for dry land and Rs.5940/- per R for seasonally irrigated lands.

11. Learned counsel for the respondent – acquiring body has relied upon the judgment of the Supreme Court in the matter of **Union of India Vs. Pramod Gupta (D) by L.Rs. and others** (supra) for the proposition that the principles of estoppel would not operate against the acquiring body, which is trite legal position. Non filing of appeal by the acquiring body would not preclude from raising the question in the larger public interest. The facts of the present cases are different. The enhancement is granted to the appellants relying upon reasoned judgment. Further reliance is placed on the judgment of the Supreme Court in the matter of **Chimanlal Hargovind Vs. Special Land Acquisition Officer, Poona and others** reported in ***AIR 1988 SC 1652***. The principle laid down by the Supreme Court cannot be

disputed. Both judgments cited above would not preclude this Court from granting enhancement to the appellants.

12. For the reasons stated above, I find that the appeals preferred by the claimants are bound to be allowed. I, therefore, pass following order.

ORDER

- a. First Appeals are allowed partly.
- b. The appellants shall be entitled to receive rate of Rs.3,960/- per R for dry land and Rs.5940/- per R for seasonally irrigated lands.
- 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** reported in **2016(3) Mh. L. J. 457**.
- 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.
- h. Record and proceedings shall be sent back.

[SHAILESH P. BRAHME]
JUDGE

arp/