

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

FIRST APPEAL NO. 3506 OF 2019
[L.A.R. NO. 580/1998]

The Godavari Marathwada
Irrigation Development Corporation,
Through the Executive Engineer,
Minor Irrigation Division, Jalna, Tq. Jalna,
Dist. Jalna.

...Appellant

Versus

Sau. Gangubai W/o Pandurangrao Ambhure,
Died, Through L.Rs.

...Respondents

.....
Mr. B. R. Survase - Advocate for Appellant
Mr. R. D. Raut – AGP for the State
Mr. A. H. Koralkar h/f Mr. V. D. Bhise – Adv for Respdt Nos. 1(a) to 1(e)
.....

WITH CROSS-OBJECTION NO. 135 OF 2022
IN
FIRST APPEAL NO. 3506 OF 2019

Sau. Gangubai w/o Pandurang Ambhure
Died through Legal representatives

...Applicants

Versus

The State of Maharashtra & Ors.

...Respondents

.....
Mr.A.H. Koralkar h/f Mr.V.D. Bhise – Adv for Applicant Nos. 1(a) to 1(e)
Mr. R. D. Raut – AGP for the State
Mr. B. R. Survase - Advocate for Respondent/Acquiring Body
.....

WITH
CIVIL APPLICATION NO. 14022 OF 2023 IN FA/3506/2019
CIVIL APPLICATION NO. 11689 OF 2025 IN FA/3506/2019
.....

CORAM : NEERAJ P DHOTE, J.
DATED : 29TH APRIL, 2026

ORAL ORDER : -

1. Heard finally the learned Advocate for the Acquiring Body /
Appellant and the learned Advocate for the Claimants.

2. The First Appeal No. 3506 of 2019 is filed by the Acquiring Body against the enhancement granted by the learned District Judge – 2, Jalna, vide the Judgment and Award dated 05.08.2008, passed in L.A.R. No. 580 of 1998, awarding Rs. 777/- per *Are* for the acquired land, *ad measuring* 10 hectares and 99 *Ares*, out of Gut No. 40, situated at village Shrishti, Tal. Partur, Dist. Jalna, for the purpose of a Minor Irrigation Tank under the Kasura Bruhat Project.

3. The Notification under Section 4 was issued on 21.09.1995, and the Special Land Acquisition Officer determined the rate at Rs.390/- per *Are* for dry land, and Rs. 15/- for *Potkharab* land.

4. It is clear that the rate enhanced by the learned Reference Court is within four (4) times than the rate determined by the Special Land Acquisition Officer. The Government Resolution dated 03.11.2016 and the Corrigendum to the said GR dated 23.02.2017 provide that no appeal shall be filed by the State or its instrumentalities if the award passed by the learned Reference Court is within four (4) times than the compensation granted by the Land Acquisition Officer. In view of this, the appeal needs to be disposed of.

5. The Cross-Objection No. 135 of 2022 is preferred by the Claimants.

6. The learned Advocate for the Claimants places reliance on the common order dated 29.04.2025, passed by this Court in a group of First Appeals, one of which is First Appeal No. 197/2025, arising out of the same acquisition proceedings and the same notification under Section 4. In the said common order, this Court, on the basis of the judgment in L.A.R. No. 272 of 2014 arising out of the same acquisition proceedings, which was acquiesced to by the Acquiring Body, determined the rate at Rs.1728/- per *Are* for dry land and Rs. 864/- per *Are* for *Potkharab* land.

7. The learned Advocate for the Acquiring Body does not dispute the above-mentioned factual aspects.

8. A perusal of the said common order shows that First Appeal Nos. 501/2025, 497/2025, 499/2025, 493/2025, and 495/2025 arise out of the references from the same acquisition proceedings, wherein the Section 4 notification was dated 21.09.1995, which is the same notification in the present case. The following order is passed:-

ORDER

[i] The First Appeal No. 3506 of 2019, preferred by the Acquiring Body, stands disposed of in view of the GR dated 03.11.2016 and the Corrigendum to the said Government Resolution dated 23.02.2017.

[ii] The Claimant(s) in Cross-Objection No. 135 of 2022 shall be entitled to the enhancement in compensation for dry

land at the rate of Rs. 1728/- per Are, and Rs. 864/- per Are for Potkharab land, along with statutory benefits, excluding interest and statutory benefits for the delayed period as well as for the period from the date of notification under Section 4 of the Act until the date of the Award under Section 11 of the Act.

- [iii] The Cross-Objection is accordingly disposed of.
- [iv] The Claimant(s) are permitted to withdraw the amount deposited by the Acquiring Body under the Award, along with the interest accrued thereon.
- [v] In view of the disposal of the Appeal and the Cross-Objection, all pending Applications, if any, stand disposed of.

[NEERAJ P. DHOTE]
JUDGE