IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13386 OF 2025
IN FAST/32573/2025

Manik S/o Rambhau Solanke (died) Throgh Lrs Panditrao And Anr.
VERSUS
The State Of Maharashtra Through The Dist Collector Parbhani And Ors.
...
Mr. V. D. Bhise, Advocate for Applicants
Mr. V. V. Jahagirdar, AGP for Respondents/State
Mr. B. R. Survase, Advocate for Respondent No. 3 – Acquiring Body
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CORAM : SHAILESH P. BRAHME, J
DATE : MARCH 07, 2026

PC :

CIVIL APPLICATION FOR DELAY

1. Applicants seek to condone delay of 3716 days in preferring First Appeal.

2. No serious objection is raised by the Respondents.

3. There are no malafides on the part of the Applicants in causing delay. For the reasons stated in the Application, Application is allowed. Delay stands condoned subject to condition that Applicants shall not be entitled to receive interest and statutory benefits for the delayed period.

FIRST APPEAL

4. Appeal is taken up for final disposal with consent of parties.

5. Mr. Survase, learned Counsel, appears for the contesting Respondent and he undertakes to file 'vakalatnama' within a period of one week. He has shown his readiness to workout the matter.

6. Appellants are assailing the judgment and award dated 15.05.2015 passed in LAR No. 227/2011. Appellants' land from village Dhengli Pimpalgaon, Tq. Sailu, Dist. Parbhani stood acquired by notification dated 13.06.2007 for Nimnna Dudhana Project. Appellants are relying upon the rate of Rs.5,000/- per Are for irrigated lands, which is fixed by this Court in number of matters especially in the matter of ***Pralhad Annasaheb Nirwal Vs. State of Maharashtra and others*** *in* ***First Appeal No.1778 of 2024*** with connected matters on 11.12.2025. Appellants are claiming parity on the basis of consistent view being taken by this Court where lands are acquired for Nimnna Dudhana Project.

7. Learned Counsel for Respondent – Acquiring Body opposes the submissions. It is submitted that Reference Court has unreasonably enhanced the price and no further enhancement is warranted. It is submitted that ground of party cannot be attracted in the present case. It is further submitted that interest has been awarded by Reference Court in defiance of settled legal position.

8. Following are the material particulars:

FA.ST.NO.	L.A.R. NO. Disposed on	Gut no.	Total Area	U/sec. 4 Notification date	U/sec 11 Award date	S.L.A.O. Rate Per R as per Award	LR. Reference Court Enhanced rate per R	Type of land Reference Court awarded Acquired Area in Are
32573/2025 Manik Rambhau Solanke & Ors	227/2011 (15.05.2015)	253	00H77R	13.06.2007	31.12.2010	Rs.1,597/-	Rs.4,400/- Fully irrigated	Irrigated 00H77R

9. There is no dispute that acquired land has been treated as fully irrigated land. This Court has been consistent in awarding compensation by fixing rate of Rs.2,500/- per Are for dry land, Rs.5,000/- per Are for irrigated land and Rs.3,750/- per Are for semi irrigated land. Following the rates fixed for the acquisitions of the lands from village Sakona, lands from cluster of village were acquired by Nimnna Dudhana project. Appellants' land is acquired from Dhengli Pimpalgaon, which is forming part of cluster.

10. This Court has decided numerous matters awarding rate as shown above. The benefit of escalation by cumulative effect has also been awarded to the claimants. A useful reference can be placed on the judgment of ***Pralhad Annasaheb Nirwal*** (supra). I find that present case is also squarely covered by this judgment. The ground of parity is pressed into service by the Appellants.

11. Appellants are claiming escalation @10% p.a. Notification in the benchmark acquisition issued on 31.03.1996 fixing rate of Rs.5,000/-

per Are for the irrigated land. In the present case, notification was issued on 13.06.2007 after gap of 11 years. Appellants are entitled to receive rate of Rs.14,248 per Are, adding benefit of escalation. I, therefore, pass following order:

ORDER

(I) First Appeal is partly allowed.

(II) Appellants are entitled to receive rate of Rs.14,248/- per Are for the acquired lands.

(III) Appellants shall not be entitled to receive interest and statutory benefits for the delayed period.

(IV) Appellants shall be entitled to receive interest U/Sec.28 and 34 of the Land Acquisition Act in view of the judgment of the Full Bench of this Court in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari** [2016 AIR (Bom.) 141].

(V) Save and except above modification, the impugned judgment and award shall remained unaltered.

(VI) The Appellants shall pay the deficit Court fees.

(VII) Award be drawn up accordingly.

(VIII) Record and proceeding be send back to the concerned Court.

(SHAILESH P. BRAHME, J.)

Umesh