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SR. FA-CP

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13387 OF 2025
IN FAST/32610/2025

LAXMAN BABASAHEB KADAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE DIST. COLLECTOR, PARBHANI AND ORS.

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Advocate for applicants : Mr. Vitthal D. Bhise
Advocate for Acquiring Body : Mr. B.R. Survase
AGP for respondent – State : Mr. G.O. Wattamwar

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CORAM : SHAILESH P. BRAHME, J.

DATE : 06 MAY 2026

PER COURT :-

Civil Application for Condonation of Delay

Matter not on Board. Upon mentioning, taken on Board. Heard both sides.

2. The applicants are seeking condonation of delay of 7656 days in preferring the First Appeal.
3. The application is contested by the respondents.
4. Considering the contentions in the application, I find no *mala fide* on the part of the applicants in preferring the Appeal belatedly.

5. In view of the consistent view taken by this Court, appellants are ready to give up the interest and statutory benefits for the delayed period.

6. Delay stands condoned. Civil Application No. 13387 of 2025 is allowed.

FIRST APPEAL

7. Appellants are challenging judgment and award dated 01.08.2004 passed in LAR No. 131 of 1995. They are claiming enhancement of the compensation and the benefit of escalation on the ground of parity. For that purpose, reliance is placed on consistent view being taken by this Court in numerous matters. One such elaborate judgment is passed 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.

8. Learned counsel for the respondents would oppose the submissions. It is submitted that the ground of parity is not attracted in the appeal. Appellants have failed to make a case for enhancement and the appeal is liable to be rejected.

9. In the present case, the land from village Brahmawakdi, Taluka Sailu, District – Parbhani has been acquired for ‘Nimna Dudhana’ project. The

land has been classified as Dry land. The classification has not been disputed by both the parties. The notification under Section 4 was issued on 02.05.1991 which is relevant for determining the escalation.

10. Following are the material particular of the appeal :

FAST No.	LAR No.	Gut No.	Total Acquired area	Notification u/s.4	Award u/s. 11 date	SLAO rate as per award	Ld. Reference Court enhanced rate per R	Type of land Ld. Reference Court awarded			
								Jirayat	Semi irrigated	Irrigated	Pot kharab
32610/2025	131/1995	67	3 H 39 R	02.05.1991	24.06.1994	300/-	600/-	3 H 39 R	--	--	--

11. This Court has taken consistent view in the matter of acquisitions of lands from cluster of villages for 'Nimna Dudhana' project. After considering all aspects of the matter, rate of Rs.2,500/- per Are for Jirayat land Rs.3,750/- per Are for Semi irrigated land, Rs.5,000/- for per Are irrigated land and Rs.1,250/- per Are for pot kharab land have been arrived at. The benefit of escalation has also been granted in numerous cases. Present case is squarely covered by one such common judgment of **Pralhad Annasaheb Nirwal** (supra). Appellants are entitled to receive rate of Rs.5,358.94 per Are for dry land and escalation at the rate of 10% per annum. The payment of interest shall be governed by the decision of full bench in **State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]**. I, therefore, pass following order :

ORDER

- a. First Appeal is allowed partly.
- b. The appellants shall be entitled to receive rate of Rs. 5,358.94 per Are for Dry land.
- 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 of **State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]**.
- e. Save and except above modification, the impugned judgment and award shall stand unaltered.
- f. Record and Proceeding be sent back to the Reference Court.
- g. The appellants shall pay deficit court fees.
- h. Award be drawn accordingly.

(SHAILESH P. BRAHME, J.)

arp/-