IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.2014 OF 2024

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR JALNA AND OTHERS
Versus
KAUTIKRAO S/O SHITARAM GAWANDE AND OTHERS

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AGP for Appellant : Mr. K. S. Hoke Patil
Advocate for Respondents : Mr. D. M. Pingale

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 31st JULY, 2026

PER COURT :

1. The appellant- State of Maharashtra takes exception to judgment and award dated 09.11.2021 passed by learned Civil Judge, Senior Division, Jalna / Reference Court in L.A.R. No. 39 of 2018.

2. The appellants have acquired agricultural land of respondents for construction of Pazar Talav at Mauje Takli, Tq. Bhokardan, Dist Jalna. The notification under Section 4(1) of Land Acquisition Act was issued on 05.05.2005. The Land Acquisition Officer passed an award dated 20.05.2006 under Section 11 of Land Acquisition Act and offered compensation for the acquired land @ Rs.665/- per R.

3. The respondents made Reference under Section 18 of Land Acquisition Act seeking enhanced compensation. The Reference Court, on

evaluation of evidence, determined compensation @ Rs. 14,688/- per R for semi-irrigated land and Rs. 9,792/- per R for dry land. Accordingly, impugned award has been passed along with interest and statutory benefits as per Land Acquisition Act.

4. Aggrieved by judgment and award passed by Reference Court, State has filed present appeal.

5. Mr. Hoke Patil, learned AGP appearing for appellant - State submits that Reference Court has relied upon sale exemplar dated 26.05.2000, which was for small piece of 10 R land. Secondly, classification of acquired land as irrigated or semi-irrigated is not made appropriate to evidence tendered into service on behalf of respondents/original claimants. Mr. Hoke Patil would further submit that Reference Court has granted enhanced compensation along with interest from the date of possession under Section 28 of Land Acquisition Act, which is contrary to law laid down by Full Bench of this Court in case of ***State of Maharashtra v. Kailash Shiva Rangari*** reported in ***2016 (4) ALL MR 513.***

6. Per contra, learned Advocate appearing for respondents/ claimants would submit that appellants had challenged award passed by

Reference Court in L.A.R. No. 149 of 2018 by filing First Appeal No.1844 of 2024. The said reference pertains to selfsame acquisition notification and award which is subject matter in present appeal. This Court rejected contentions of appellant, while upholding rate of semi-irrigated land @ Rs.14,688/- per R. Therefore, whole basis of challenge raised by appellants in present appeal does not survive. Mr. Patil fairly conceded that interest awarded under Sections 28 and 34 can be corrected in tune with law laid down by Full Bench of this Court in case of ***Kailash Shiva Rangari*** (supra).

7. Having considered submissions advanced by learned Advocates appearing for respective parties, this Court finds that Reference Court relied upon sale exemplar of 10 R land while making assessment of compensation for acquired land. However, the sale exemplar was dated 26.05.2000, whereas notification under Section 4 was issued on 05.05.2005.

8. Looking to time gap, this Court while deciding First Appeal No.1844 of 2024 considered escalation @ 10% per annum and deducted 10% amount having regard to proximity and potentiality of land. Further deduction of 10% was considered on account of smallness of land. Finally, this Court concluded that the rate of acquired land can be

assessed @ Rs.14,688/- per R classifying same to be semi-irrigated land. In light of view taken by this Court while deciding First Appeal No.1844 of 2024, submissions advanced on behalf of appellants do not survive.

9. In present case, acquired land has been classified into two groups. The learned advocate appearing for respondents/claimants concedes that, insofar as 43 R land from Gut No. 172 is concerned, it can be considered as semi-irrigated land instead of irrigated land, for the very same reasons as recorded by this Court in order dated 17.03.2026 passed in First Appeal No.1844 of 2024. In this backdrop, award needs modification in tune with the rate approved/determined by this Court for 43 R semi-irrigated land, i.e. Rs.14,688/- per R.

10. Insofar as aspect of interest on compensation amount, the law is settled by Full Bench of this Court in case of ***Kailash Shiva Rangari*** *(Supra)*. Therefore, claimants would be entitled for interest under Sections 28 and 34 of Land Acquisition Act as granted by Reference Court from the date of award i.e. 20.05.2006.

11. With aforesaid modification, award passed by Reference Court deserves to be maintained.

12. The compensation amount deposited by appellants be

disbursed in favour of claimants along with accrued interest, if any.

13. The rest of award shall remain unchanged and shall *mutatis mutandis* apply to modified award passed by this Court.

14. First Appeal is accordingly disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Tandale