



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1959 OF 2018
WITH
FIRST APPEAL NO. 1960 OF 2018

1. Uday Bharatrao Borade
Age: Majir, Occu.: Agri.,

2. Shakti Bharatrao Borade
Age: Major, Occu.: Agri.,

Both R/o Village Patoda (Bu.),
Tq. Mantha, Dist. Jalna

..APPELLANTS

VERSUS

1. State of Maharashtra
Through the Collector, Jalna
Having his Office at Collector Office, Jalna

2. The Special Land Acquisition Officer,
M.I.W. Jalna
Having his Office at Collector Office, Jalna

3. The Executive Engineer
Lower Dudhana Project Division, Selu
Dist. Parbhani
Since this Department is abolished, at present
Jalna Irrigation Department, Jalna
Office at Motibagh, Jalna

..RESPONDENTS

WITH
FIRST APPEAL NO. 1961 OF 2018

Rangnath Venkatrao Borade
(Died) Through L.R.
Trimbak Shesherao Borade
Age: Major, Occu.: Agri.,
R/o Village Patoda (Bu.),
Tq. Mantha, Dist. Jalna

..APPELLANTS



VERSUS

1. State of Maharashtra
Through the Collector, Jalna
Having his Office at Collector Office, Jalna
2. The Special Land Acquisition Officer,
Jalna
3. The Executive Engineer
Lower Dudhana Project Division, Selu
Dist. Parbhani
Since this Department is abolished, at present
Jalna Irrigation Department, Jalna
Office at Motibagh, Jalna

..RESPONDENTS

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Mr. S.M. Kakade, Advocate h/f Mr. D.M. Kakade, Advocate for appellants
Mr. V.S. Badakh, A.G.P. for respondent nos.1 and 2
Mr. S.P. Sonpawale, Advocate for respondent no.3

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CORAM : RAJNISH R. VYAS, J.
DATE : 17th FEBRUARY, 2026

ORAL JUDGMENT :

. These appeals are preferred by the claimants challenging the judgment and award passed by the reference Court by which compensation of Rs.1,200/- was fixed towards dry crop land. The other benefits regarding granting interest also extended by the reference Court.

2. Heard learned counsel for the appellant and learned counsel for the acquiring body.



3. The only point argued by learned counsel for the appellants in these appeals is regarding enhancement of compensation which is required to be awarded to the claimants in the backdrop of order dated 23rd January, 2026 passed in First Appeal No. 2290 of 2016, deciding the issue of compensation for the land, subject matter of the same notification and situated in same village.

4. Learned counsel for the appellants tendered a copy of the chart showing details of first appeals, L.A.R. numbers and other necessary information which is taken on record and marked 'X' for identification purpose. Same is reproduced below in order to cut-short the controversy :-

Sr. No.	F.A. No.	L.A.R. No.	Gut No.	Total Area	U/sec. 4 Notification Date	U/sec.11 Award date	S.L.A.O. Rate Per R as per Award	L.R. Reference Court Enhanced Rate per R
1	1959/2018 (Uday B. Borade & Anr.)	309/1997	115	01 H 63 R	20/04/1995	31/12/1996	Rs.425/- -	Rs.1200/-
2	1961/2018 (Rangnath V. Borade & Anr.)	310/1997	111/2	00 H 96 R	20/04/1995	31/12/1996	Rs.425/- -	Rs.1200/-
3	1960/2018 (Uday B. Borade & Anr.)	308/1997	116	02 H 52 R	20/04/1995	31/12/1996	Rs.425/- -	Rs.1200/-

5. Perusal of aforesaid chart would reveal that the compensation awarded by Special Land Acquisition Officer was 425/- per R, which was increased by the reference Court to the tune of Rs.1200/- per R.



6. Mr. Kakade, learned counsel submits that the issue involved in the present appeal is no more res integra since this Court in First Appeal No. 2290 of 2016 has fixed the compensation of Rs.2400/- per R for dry land vide order dated 23rd January, 2026.

7. At this juncture, it is necessary to mention here that in First Appeal No. 2290 of 2016, the Land Acquisition Reference No. 292 of 1997 decided on 03rd May, 2008 by the District Judge, Jalna was under challenge. Not only Land Acquisition Reference No. 292 of 1997 was decided but also the land acquisition references in the present matters, details of which are given in the chart, were also decided by the same reference Court on the same day. He then contends that once the issue is decided by the coordinate Bench, in the same way the other claimants also need to be extended the same benefits.

8. Per contra, Mr. Sonpawale, learned counsel for the acquiring body has contended that though First Appeal No. 2290 of 2016 has decided the issue involved, but the fact remains that before the reference Court, the claimants have claimed compensation of Rs.1200/- per R only. According to him, now the claimants cannot claim more than that. He further contended that the interest ought not to have been awarded from the date of notification, but should have been awarded from the date of award. He invited my attention to the law laid down by Full Bench of this Court in case



of *State of Maharashtra Vs. Kailash Shiva Rangari*, reported in *2016 AIR (Bom.) 141*. In the aforesaid background, he opposes the appeals.

9. In the light of submissions made by the respective counsels, I have gone through the record of the case, so also the order dated 23rd January, 2026 passed in First Appeal No. 2290 of 2016 by the coordinate Bench of this Court. In the said case, the Court has dealt with the land acquired from the same village, under same notification and for same purpose, and has granted compensation of Rs.2400/- per R for dry land. There is nothing to take different view as the controversy involved in the present appeals and First Appeal No. 2290 of 2016 is the same. As the lands of the claimants were also dry lands and in First Appeal No. 2290 of 2016, compensation for dry land was fixed at Rs.2400/- per R, present appeals are also liable to be allowed. Accordingly, following order is passed :-

ORDER

- (I) First appeals are allowed.
- (II) The appellants shall be entitled for compensation @ Rs.2400/- per R for dry land.
- (III) The appellants shall be entitled to interest under Sections 28 and 34 of the Land Acquisition Act in terms of law laid down by Full Bench of this Court in case of *Kailash Shiva Rangari (supra)*.



- (IV) The appellants shall not be entitled to interest and statutory benefit for delayed period.
- (V) Save and except above, impugned judgment and award passed by the reference Court shall stand unaltered.
- (VI) The appellants shall pay deficit Court fees, if any.
- (VII) The Record and Proceedings be sent back to the reference Court.
- (VIII) Award be drawn up accordingly.

(RAJNISH R. VYAS, J.)

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