



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

951 FIRST APPEAL NO. 595 OF 2011

HARIDAS NAGORAO MIRKALE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

...

WITH

FIRST APPEAL NO. 922 OF 2011

HARIDAS NAGORAO MIRKALE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

...

WITH

FIRST APPEAL NO. 594 OF 2011

WITH

CIVIL APPLICATION NO. 5057 OF 2026

MANOHAR GYANBA SURYAWANSHI

VERSUS

THE STATE OF MAH AND ORS

...

WITH

FIRST APPEAL NO. 923 OF 2011

ASHOK LIMBRAJ SURYAWANSHI AND ORS

VERSUS

THE STATE OF MAH AND ORS

...

WITH

FIRST APPEAL NO. 602 OF 2011

DEVIDAS NAGORAO SURYAWANSHI

VERSUS

THE STATE OF MAH AND ORS

...

WITH

FIRST APPEAL NO. 921 OF 2011

WITH

CIVIL APPLICATION NO. 4939 OF 2026

MANOHAR GYANBA SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

WITH
FIRST APPEAL NO. 601 OF 2011

PANDHARI SOPAN SURYAWANSHI (DIED) LRS BABURAO PANDHARI
SURYAWANSHI AND ORS

VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Advocate for Appellant : Mr. R.K. Ashtekar
AGP for Respondents 1 & 2 : Mr. P.M. Kulkarni
Advocate for Respondent 3 : Ms. Madhubala B. Gangwal

...

CORAM : ARUN R. PEDNEKER, J.

Dated : April 24, 2026

PER COURT :-

1. Civil applications are filed in First Appeal Nos. 594 and 921 of 2011 by the applicants, the legal heirs of deceased appellant - Manohar Ganba Surawanshi for adding them as appellants by condoning the delay of 3012 and 3030 days, respectively, caused in filing the applications. In support of the applications, the applicants have filed death certificate of the deceased appellant and legal heirship certificate. For the reasons stated in the applications, civil applications are allowed. Applicants/legal heirs of the deceased appellant - Manohar Ganba Surawanshi be brought on record. Necessary amendment be carried out. Delay of 3012 and 3030

days, respectively, caused in filing the applications is condoned.

2. The learned counsel for the appellants submits that in the identical facts, this Court by **order dated 23.4.2026 in First Appeal No. 2810/2009 (Shivaji Shrirang Jadhav Vs. The State of Maharashtra and Anr.) with other connected matters** has granted compensation to the claimants therein by considering the acquired lands as semi-irrigated and the same ratio can be applied in the present cases.

3. As regards First Appeal Nos. 594 and 922 of 2011 are concerned, in the award, the learned reference court in para 14 has mentioned that Jawar and Soya crops are taken and 'well' is recorded in 7/12 extract of the acquired land, however, it is also recorded that the said well may be dry as there is no evidence as regards availability of water in the well. Considering that seasonal crops are taken in the acquired land and there is well in the acquired land, it would be appropriate to treat the lands as semi-irrigated.

4. As regards First Appeal Nos. 601 and 602 of 2011 is concerned, in the award, the learned reference court has partly granted compensation as Jirayat lands and partly granted compensation as Bagayat land. The claimants have claimed that the entire acquired lands are Bagayat lands.

However, on perusal of para 14 of the judgment of the reference court, I find that the entire acquired lands of the claimants can be said to be semi-irrigated as the seasonal crops are taken and accordingly compensation can be granted.

5. As regards First Appeal Nos. 595, 921 and 923 of 2011 are concerned, in the award, the learned reference court in para 14 has mentioned that Jawar and Soya crops are taken and 'well' is recorded in 7/12 extract of the acquired land, however, it is also recorded that the said well may be dry as there is no evidence as regards availability of water for whole year in the well. Considering that seasonal crops are taken land and there is well in the acquired land, it would be appropriate to treat the lands on higher footing as semi-irrigated.

6. Considering the above, I hold that the compensation granted in the case of **Shivaji Shrirang Jadhav** supra therein would also apply to the present case also.

7. Considering that compensation for Jirayat land has been granted at Rs. 9605/- per Acre and as the appellants lands are semi-irrigated lands, this Court deems it appropriate to enhance the same by 40%, thereby fixing the compensation at Rs. 13,447/- per Acre. The claimants shall be

entitled to all statutory benefits which shall be worked out accordingly.

8. The claimants are permitted to withdraw the amounts deposited in the Reference Court. The balance amount shall be deposited by the State within a period of eight weeks from today.

9. The appeals filed by the claimants are disposed of in above terms. The civil applications, if any, stand disposed off.

(ARUN R. PEDNEKER, J.)

ssc/