



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

904 FIRST APPEAL NO. 2637 OF 2022

Shahidas Trimbak Mhask
Age – 53 years, Occu – Agri.,
R/o Village Padli,
Taluka – Partur, Dist. - Jalna

... Appellant

VERSUS

The State of Maharashtra
Through Collector, Jalna and Ors.

... Respondents

.....

Mr. Kakade Deepak M., Advocate for Appellant
Ms. B. B. Gunjal, AGP for Respondent Nos.1 and 2
Mr. S. W. Munde, Advocate for Respondent No.3

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CORAM : NEERAJ P. DHOTE, J.

DATE : 17.06.2026

PER COURT :

1. This is the First Appeal under Section 54 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the L. A. Act') by the Original Claimant for further enhancement in the compensation for acquisition of his land bearing Gat Nos.50/C, 57, 18/2, 21/5 and 21/9, admeasuring 3 hectare 34 R, 1 hectare 72 R, 94 R, 03 R and 56 R, respectively, situated at Village - Padli (Pardhi), Taluka - Partur, District – Jalna for the construction of 'Nimna Dudhana Project, Jalna.'. The learned Reference Court in Reference Application No.360/2012 decided by the Judgment and Award dated 19.12.2016 determined the compensation of Rs.11,69,505/- with consequential statutory benefits.



2. It is submitted by the learned Advocate for the Appellant that, this Court in a bunch of First Appeals, out of which one is First Appeal No.751/2022 arising out of the same acquisition proceedings and same Award, by order dated 23.12.2025 enhanced the compensation to Rs.4,426/- per R for dry land, Rs.6,629/- per R for seasonal irrigated land, Rs.8,852/- per R for fully irrigated land, and Rs.2,213/- per R for pot kharab land. He submits that, the Appellant is entitled for the same enhanced rate on the ground of parity. He further submits that, there was evidence before the learned Reference Court that, the land bearing Gat No.50/C was on the bank of river and there was pipeline from the river for the purpose of irrigating the land and the Appellant had cultivated sugarcane and bananas from the said land out of the river water. He submits that, the learned Reference Court has considered only 13 R land out of Gat No.50/C as semi-irrigated land. He submits that, considering the said aspect of the matter, the entire Gat No.50/C be considered as fully irrigated land and the compensation be accordingly enhanced. He placed reliance on the Judgment in **Chinda Fakira Patil (D) Through L.Rs Vs. The Special Land Acquisition Officer, Jalgaon; AIR 2012 SC 481**, wherein, there was a well in the acquired land and the contention that, there was no cultivation of sugarcane and wheat and therefore the land should not be treated as fully irrigated land, was rejected.

3. The learned Advocate for Respondent No.3 – Acquiring Body do not dispute that, in the connected Appeals arising out of the same land acquisition proceedings and award, this Court has determined the above referred enhanced compensation for the lands from the same village, which were acquired for the same



project, i.e. Nimna Dudhna Project, Jalna. He submits that, there was no evidence led by the Claimant that, there was a well in Gat No.50/C. The learned Reference Court considered 7/12 extract placed on the record and observed that, there were corrections / scratching in respect of sugarcane and banana. He submits that, the learned Reference Court has rightly considered the matter on the basis of the evidence on record and no interference is called for and the Appeal be disposed of in view of the connected Appeals.

4. The learned AGP for the Respondent – State opposes the Appeal.

5. There is no dispute in respect of the purpose for which the Appellant's different lands, as mentioned above, are acquired. A copy of the order passed by this Court dated 23.12.2025 shows that, in group of First Appeals preferred by the Claimants, whose lands came to be acquired for the very same project by way of the same Award, the Court determined the enhanced compensation. There is no dispute that, the said decision in respect of similarly placed Claimants has attained finality. The land of the Appellant is from the same village. Therefore, on the ground of parity, the Appellant become entitled for the same rate.

6. As regards the contention that, the entire Gat No.50/C was the irrigated land, undisputedly, there is no evidence to show that, there was a well in the said gat number for the purpose of irrigation. The claim to consider the said land as fully irrigated land is made on the basis of pipeline which was taken from the river water. Undisputedly, there was no evidence as to whether the



said pipeline was taken by obtaining due permission from the concerned Authority. Secondly, the observations by the learned Reference Court show that, there was scratching on the 7/12 extract in respect of sugarcane and bananas. With this material on record, the said decision will not be of any assistance to the Appellant. The Land Acquisition Officer (LAO) considered the land of the Appellant as the dry land. The observations in the Judgment by the learned Reference Court show that, it was not disputed by the State and LAO that, the land admeasuring 13 R out of the said Gat No.50/C was seasonally irrigated land, and accordingly that part of the land was considered as seasonally irrigated by the learned Reference Court. There is nothing to show that, the observations made by the learned Reference Court in the Judgment are contrary to the material on record. Thus, I see no merit in the submissions of the learned Advocate for the Appellant that, the land Gat No.50/C be considered as fully irrigated land.

7. In view of the above, the following order is passed :-

ORDER

- [a] The Appeal is partly allowed.
- [b] The Appellant is entitled to receive the rate of Rs.4,426/- per R for dry land and Rs.6,629/- per R for seasonally irrigated land on the ground of parity.
- [c] The Appellant shall be entitled to interest from the date of the final Award as per the Judgment in **the State of Maharashtra Vs. Kailash Shiva Rangari; 2016 (4) All MR 513.**



- [d] Save and except above modification, the Judgment and Award passed by the learned Reference Court shall stand unaltered.
- [e] The Appellant shall not be entitled to receive interest and statutory benefits for the delayed period.
- [f] The Appellant shall pay the deficit court fees, if any.
- [h] Award be drawn up accordingly.
- [i] Appeal is disposed of accordingly.

[NEERAJ P. DHOTE, J.]