IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

13 FIRST APPEAL NO. 4723 OF 2017
WITH
CIVIL APPLICATION NO. 7787 OF 2016 IN FA/4723/2017

THE EXECUTIVE ENGINEER, MINOR IRRIGATION MEDIUM PROJECT, OSMANABAD AND ORS
VERSUS
LAXMAN RAM AWATADE
...

14 FIRST APPEAL NO. 4724 OF 2017
WITH
CIVIL APPLICATION NO. 7772 OF 2016 IN FA/4724/2017

THE EXECUTIVE ENGINEER, MINOR IRRIGATION MEDIUM PROJECT, OSMANABAD AND ORS
VERSUS
JALINDAR MAHADEO AWATADE AND ANR
...

15 FIRST APPEAL NO. 4725 OF 2017
WITH
CIVIL APPLICATION NO. 7784 OF 2016 IN FA/4725/2017

THE EXECUTIVE ENGINEER, MINOR IRRIGATION MEDIUM PROJECT, OSMANABAD AND ORS
VERSUS
NAMDEO RAM AWATADE
...

16 FIRST APPEAL NO. 4726 OF 2017
WITH
CIVIL APPLICATION NO. 7778 OF 2016 IN FA/4726/2017

THE EXECUTIVE ENGINEER, MINOR IRRIGATION MEDIUM PROJECT, OSMANABAD AND ORS
VERSUS
KISAN DAMU AWATADE DIED HIS LRS PRAYAGBAI KISAN AWTADE AND ANR
...

17 FIRST APPEAL NO. 4727 OF 2017
WITH
CIVIL APPLICATION NO. 7775 OF 2016 IN FA/4727/2017

THE EXECUTIVE ENGINEER, MINOR IRRIGATION MEDIUM PROJECT, OSMANABAD AND ORS
VERSUS
BHIMRAO GYANABA AWATADE

...

18 FIRST APPEAL NO. 4728 OF 2017
WITH
CIVIL APPLICATION NO. 7782 OF 2016 IN FA/4728/2017

THE EXECUTIVE ENGINEER, MINOR IRRIGATION MEDIUM PROJECT, OSMANABAD AND ORS
VERSUS
RAMLING MAHADEO AWATADE

...

19 FIRST APPEAL NO. 4729 OF 2017
WITH
CIVIL APPLICATION NO. 7780 OF 2016 IN FA/4729/2017

THE EXECUTIVE ENGINEER, MINOR IRRIGATION MEDIUM PROJECT, OSMANABAD AND ORS
VERSUS
ANANTA BHANUDAS AWATADE

...

Advocate for Appellants in all matters : Mr. Rajale Gulab B.
Advocate for Respondents in all matters : Mr. Murge Estling S.

...

CORAM : SIDDHESHWAR S. THOMBRE, J.

Dated : August 17, 2026

PER COURT :-

1. Admit.

2. As the acquisition proceedings were initiated in the year 2004, heard finally with the consent of learned counsel for respective parties.

3. By these appeals, the appellant/acquiring body is assailing the common judgment and award dated 9.7.2014 passed by the learned Civil Judge, Senior Division, Bhoom, District Osmanabad in LAR Nos. 960, 473, 961, 964, 965, 966 and 962 of 2014.

4. The lands of the original claimants situated at village Wangi (Bk) were acquired for Wangi (Jawala) Storage Tank, Taluka Bhoom, District Osmanabad. Notification under section 4 of the Land Acquisition Act came to be published on 2.9.2004, declaration under section 6 of the Act was

published on 26.1.2006. The Special Land Acquisition Officer (SLAO) has declared the award on 23.3.2007 and has granted compensation at the rate of Rs.24,000/- per H. for acquired lands and also granted compensation for trees in LAR Nos. 960/2014 and 473/2014. Being aggrieved by the award of the SLAO, the original claimants filed above references under section 18 of the Act. After considering the evidence on record, the learned reference court has enhanced the compensation for acquired lands at the rate of Rs.1,61,700/- per Acre. and as regards trees in LAR Nos. 960/2014 and 473/2014 are concerned, considering the award of SLAO and E statement, compensation was granted by the learned reference court. Being aggrieved by the same, the present first appeals are filed by the acquiring body.

5. Mr. G.B. Rajale, learned counsel for the acquiring body/appellants submits that the reference court has wrongly enhanced compensation by considering the sale instance, Exh. 18, dated 16.5.2002 by which the land admeasuring 38 R. from village Wangi was sold for Rs. 1,40,000/- and therefore, in view of the above sale instance, he submits that the reference court ought not to have enhanced the compensation at the rate of Rs.1,61,700/- per Acre. by giving increase of price at the rate of 5% p.a. from 2002 to 2004. He further submits that SLAO has granted proper compensation considering the relevant sale deeds.

6. As far as trees are concerned, Mr. Rajale, learned counsel for appellant submits that the learned reference court has wrongly relied upon the valuer's report without applying deductions and awarded compensation for the trees. Therefore, he submits that the order passed in LAR Nos. 960/2014 and 473/2014 wherein the reference court has granted compensation for trees and in other LARS wherein compensation was

granted for acquired lands need to be set aside. He further submits that the the learned reference court has granted interest and other statutory benefits from the date of taking over possession of the acquired lands which is contrary to the law laid down by the Full Bench of this Court in the case of **State of Maharashtra vs. Kailas Shiva Rangari**, **2016 (4) Mh.L.J. 457**. He, therefore, prays to allow the appeals filed by the acquiring body.

7. Per contra, Mr. E.S. Murge, learned counsel appearing for original claimants supports the judgment and award passed by the reference court by submitting that the learned reference court, after considering the sale instance, Exh. 18, which was from the same village and executed prior to section 4 notification, by applying 10% escalation determined the correct market rate of the acquired lands of the claimants. As regards compensation granted in respect of trees are concerned, he submits that very meager compensation was granted by the reference court by relying upon the valuer's report and considering the number of trees mentioned in the award of SLAO. He further submits that even the acquiring body has not submitted any contra evidence before the reference court and also before this Court showing that the reference court has granted exorbitant compensation for the acquired lands as well as three. He therefore prays to dismiss the appeals filed by the acquiring body.

8. Having heard the learned counsel for the respective parties, with their assistance I have gone through the record and proceedings and the copy of the impugned judgment and award of the learned reference court, the award passed by the SLAO and also the sale instance dated 16.5.2002, Exh. 18, which was executed before section 4 notification, by which the land admeasuring 38 R. from village Wangi (BK) was sold for Rs.1,40,000/-. As

the said sale instance was of the year 2002 and notification under section 4 was published on 2.9.2004, considering the same, the reference court has granted 10% escalation and arrived at market value of the acquired lands at the rate of Rs.1,61,700/- per Acre. Therefore, considering the above, I hold that the learned reference court has rightly determined the market value of the acquired lands and has not granted any excessive or exorbitant compensation.

9. As regards trees are concerned, the learned reference court has granted compensation as per the number of trees mentioned in the E statement and award of the SLAO and also by considering the valuer's report. More particularly, it is seen that the acquiring body has not brought any contra evidence to suggest that for the acquired trees less valuation needs to be granted. Therefore, without there being any contra evidence, I find that the reference court has rightly determined the compensation for the acquired trees. Considering the discussion made above, I hold that the reference court has not committed any illegality or perversity while granting compensation for trees as well as for acquired lands. Therefore, I am not inclined to interfere in the impugned judgment and award passed by the learned reference court to that extent.

10. However, as far as interest and other statutory benefits are concerned, the same is given from the date of taking over possession of the acquired lands which is contrary to the law laid down by the Full Bench of this Court in the case of **State of Maharashtra vs. Kailas Shiva Rangari** (supra). Hence, I pass the following order.

O R D E R

(I) The appeals are partly allowed.

(II) As regards compensation granted in respect of acquired lands and trees are concerned, the impugned judgment and order passed by the reference court is confirmed.

(III) As regards interest and other statutory benefits are concerned, the claimants are entitled to received in the same strictly in view of the law laid down by the Full Bench of this Court in the case of **State of Maharashtra vs. Kailas Shiva Rangari** (supra).

(IV) Claimants are permitted to withdraw the amount, if any, deposited by the acquiring body in view of the law laid down by **State of Maharashtra vs. Kailas Shiva Rangari** (supra).

(V) Claimants to pay deficit court fee, if any, on enhanced amount.

(VI) Pending civil applications, if any, stands disposed of.

(SIDDHESHWAR S. THOMBRE, J.)

ssc/