



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

FIRST APPEAL NO. 1659 OF 2018

Shri. Narayan s/o Dhondu Patil (Died)
Shri. Raghunath s/o Narayan Patil
Age : 65 years, Occu: Agriculture,
R/o. Chinchkheda, Tq. Jamner, Dist. Jalgaon.

...Appellant

Versus

1. Special Land Acquisition Officer,
Upper Tapi Project Hatnoor-2, Jalgaon.
2. The Executive Engineer,
Waghur Project Division, Jalgaon.

...Respondents
[Ori. Respondents]

.....

Mr. Hemant P. Kshirsagar – Advocate for the Appellants
Mr. B. A. Shinde – AGP for Respondent / State
Mr. V. V. Tarde – Advocate for Respondent No. 2

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CORAM : NEERAJ P. DHOTE, J.

RESERVED ON : 11TH NOVEMBER, 2025
PRONOUNCED ON : 02ND DECEMBER, 2025

Final Order : -

1. This is the Appeal under Section 54 of the Land Acquisition Act, 1894, [for short 'L.A. Act'] by the Original Claimant for enhanced compensation for acquisition of his land out of Gut No. 3, *ad measuring 1 Hectar 19 Are*, and out of Gut No. 232, *ad measuring 2 Hectar 56 Are*, situated at village Chinchkheda, Tq. Jamner, Dist. Jalgaon, for the Upper Tapi Hatnoor Project, Waghur.

2. It is submitted by the learned Advocate for the Appellant that, this Court in connected Appeals, by order dated 13th February, 2024, granted the rate of Rs. 4,00,000/- per Hectare to the *Bagayat* land to the similarly placed Claimants, whose lands were acquired for the same Project in the same acquisition proceedings. It is submitted that the land of the Appellant was *Bagayat*, as Well was shown in the 7/12 extract and the Banana trees were also shown. Therefore, the Appellant be granted the said rate as granted to the other Claimants in the above referred Appeals.

3. The learned Advocate for the Acquiring Body do not dispute the said decision of this Court deciding the rate of Rs. 4,00,000/- per Hectare for the irrigated land for acquisition for the said Project. He submits that, the evidence on record show that the Appellant's land was *Jirayat*, and therefore, the rate of *Bagayat* land cannot be granted to the Appellant. He submits that, the enhanced rate for *Jirayat* land i.e. half rate of the *Bagayat* land, be granted to the Appellant.

4. The evidence on record show that, the Appellant admitted in the Cross-examination that, in 7/12 extract of the acquired land, the crops shown were Hybrid Jowar, Cotton and Groundnut, though he denied that the acquired land was *Jirayat*. The evidence on record show

that the Appellant could not prove that his acquired lands were *Bagayat*. The sale instances relied upon by the Appellant before the learned Reference Court were of *Jirayat* land. Thus, the contention that the enhanced rate be granted to the Appellant by considering the acquired land as *Bagayat*, is rejected. The above referred decision dated 13th February, 2024 passed by this Court in group of Appeals is based on the decision dated 2nd November, 2023 of this Court in group of Appeals, which, admittedly, are from the said acquisition. Paragraph No. 6 from the decision dated 2nd November, 2023 in First Appeal Nos. 1115 of 2021 and several connected Appeals, reads as under : -

“6] The learned counsel for the respondent – acquiring body has placed on record a letter dated 01.11.2023 issued by the Executive Engineer, Waghur Dharan Vibhag, Jalgaon whereby instructions are received that the amount of compensation be accepted at Rs. 2,00,000/- for jirayat land, Rs.4,00,000/- for bagayat land and as far as trees are concerned, 80% of the valuation is accepted. The said letter is taken on record and same is marked as ‘X-1’ for identification purpose.”

5. As the learned Advocate for the Acquiring Body do not dispute the aforesaid aspect, this Appeal is disposed off in terms of the said order by granting the rate of Rs. 2,00,000/- per Hectare for the *Jirayat* land of the Appellant and 80% of the amount of the valuation report in respect of the trees, if any. Hence, I pass the following order: -

“ORDER

[i] The Judgment and Award of the learned Reference Court i.e. Joint Civil Judge Senior Division, Jalgaon, in LAR No.835 of 2005, is modified to the extent that the Appellant

would be entitled for the compensation of Rs. 2,00,000/- [Rupees Two Lakh] per Hectare for the *Jirayat* land and 80% of the amount of the valuation report in respect of the trees.

- [ii] In view of the above, the amount of compensation with interest and the statutory benefits be worked out by the Executing Court by taking into consideration the order passed, if any, while condoning the delay in respect of computing the interest and the statutory benefits.
- [iii] The Award stands modified accordingly.
- [iv] The Appellant shall pay the Court fees on the enhanced compensation, if any.
- [v] All the pending Civil Applications, if any, stand disposed off.
- [vi] The First Appeal stands disposed off accordingly.
- [vii] R&P be sent back to the learned Reference Court.

[NEERAJ P. DHOTE]
JUDGE

SG Punde