



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1131 OF 2021

Tukaram Tulshiram Koli (deceased)

Lrs.

1. Prakash Tukaram Koli
Age : 55, Occu. Agri.
2. Pandhari Tukaram Koli
Age : 62, Occu. Agri
R/o Godri, Taluka Jamner,
District Jalgaon.

... Appellants
[Orig. Petitioners]

Versus

1. District Collector Jalgaon.
2. The Special Land Acquisition Officer,
Minor Irrigation, Jalgaon.
3. Executive Engineer,
Minor Irrigation, Jalgaon.
4. Executive Director,
Tapi Irrigation Development Department
Jalgaon, Jalgaon.

... Respondents

.....
Ms. Sakshi Kale h/f Mr. Ajeet B. Kale, Advocate for the Appellants.
Mrs. D. S. Jape, AGP for Respondent Nos. 1 and 2.
Mr. A. D. Pawar, Advocate for Respondent Nos. 3 and 4.
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**WITH
FIRST APPEAL NO. 494 OF 2022
WITH
CIVIL APPLICATION NO. 3653 OF 2022
IN
FIRST APPEAL NO. 494 OF 2022**

1. The Executive Engineer,
Minor Irrigation, Jalgaon.
2. The Executive Director,
Tapi Irrigation Development Department,
Jalgaon, District Jalgaon. ... Appellants
[Orig. Deft. Nos. 3 & 4]

Versus

Tukaram Tulshiram Koli,
(Deceased) Through Lrs.

1. Prakash Tukaram Koli,
Age – 55 years, Occupation Agri,
2. Pandhari Tukaram Koli,
Age – 62 years, Occupation Agri,
All above R/o: Godri, Taluka Jamner,
District Jalgaon. (Orig. Claimants)
3. The District Collector, Jalgaon,
District Jalgaon.
4. Special Land Acquisition Officer,
Minor Irrigation, Jalgaon. (Orig Deft. Nos. 1 and 2)
... Respondents

.....

Mr. A. D. Pawar, Advocate for the Appellants.
Ms. Sakshi Kale h/f Mr. Ajeet B. Kale, Advocate for Respondent Nos. 1
& 2.
Mrs. D. S. Jape, AGP for Respondent Nos. 3 and 4.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 14.07.2025

Pronounced on : 22.07.2025

ORDER :

1. Heard rival submissions.
2. First Appeal No. 1131 of 2021 is filed by claimants for enhancement of compensation. The acquiring body has also filed First Appeal No. 494 of 2022 challenging the impugned award.
3. Learned counsel for the appellants/claimants placed reliance on the judgment passed by the learned Reference Court in the group of LAR No. 274 of 2012 and others, whereby the learned Reference Court in those matters has granted following rates for calculation of compensation in respect of the lands as well as fruit bearing and forest trees.
 1. For Bagayat Land - Rs.10,00,000/- per Hectare
 2. For Jirayat Land - Rs.5,00,000/- per Hectare
 3. For Potkharab Land - Rs.2,50,000/- per Hectare
 4. For forest trees - 60% of the amount mentioned in the valuer's report
 5. For fruit bearing trees - 80% of the amount mentioned in the valuer's report

4. It is to be noted that the same valuer's report in respect of forest trees is also considered in this appeal filed by the appellants/claimants. Further, this Court [Coram : Sandipkumar C. More, J.] has, by order dated 10.03.2025 passed in identical First Appeal No. 1132 of 2021 along with connected matters, enhanced the compensation in terms of the judgment dated 12.04.2018 in the group of LAR No. 274 of 2012.

5. The learned counsel for the appellants/claimants therefore submits that the compensation at the same rates be awarded in the present appeal also. The learned counsel for the acquiring body also accepted the said position as they have already settled some other matters by granting the same rate as mentioned above. However, he submits that the land beneath the fruit bearing and forest trees needs to be deducted while computing the compensation in respect of the land mentioned in the appeal. The learned counsel for the appellants/claimants has pointed out that such deduction is already made by the learned Reference Court in this appeal. Therefore, there is no question of giving separate direction to the executing court while computing the amount of compensation as per the rates mentioned above.

6. In view of the above, the First Appeal filed by the appellants/claimants for enhancement of compensation is allowed in terms of the judgment dated 12.04.2018 in the group of LAR No. 274 of 2012 and others, and the rates mentioned in the aforesaid para no.3 are granted for calculating the compensation amounts in the appeal. The award be prepared according to the aforesaid rates and be modified accordingly. However, the rate of interest which is to be awarded under Sections 28 and 34 of the Land Acquisition Act be calculated from the date of award only. The other statutory benefits granted by the Reference Court be kept as it is. The enhanced amount of compensation so calculated be deposited by the acquiring body within six months. After deposit of such amount of enhanced compensation, the appellants/claimants are entitled to withdraw the same alongwith interest without further reference to this Court.

7. The appeal filed by the appellants/claimants is accordingly disposed off. Needless to say, the appeal filed by the acquiring body is also disposed off alongwith the pending civil application.

[ABHAY S. WAGHWASE, J.]