

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

FIRST APPEAL NO.1328 OF 2017

Bhika Shamu Mahajan (Died)
Thro LRs. Nandu Bhika Mahajan

..Appellant

Versus

The Special Land Acquisition Officer,
Jalgaon and Another

..Respondents

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Ms. Sakshi Ajeet Kale h/f. Shri. Ajeet B. Kale, Advocate for the Appellant
Ms. A. S. Deshmukh, AGP for the State.
Shri. V. V. Tarde, Advocate for Respondent No.2

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CORAM : NEERAJ P. DHOTE, J.

Dated : DECEMBER 02, 2025

PER COURT :-

. This is the Appeal under Section 54 of the Land Acquisition Act (hereinafter referred to as the 'LA Act') by the Orig. Claimant for enhanced compensation. The Appellant's Bagayat land admeasuring 0-Hector, 90-Are and Potkharaba land admeasuring 0-Hector, 30-Are out of Gat No.338/3B, as well as Bagayat land admeasuring 1-Hector, 21-Are and Potkharaba land admeasuring 0-Hector, 11-Are out of Gat No.357/2, situated at village Hiwarkheda, Tal. Jamner, Dist. Jalgaon came to be acquired by the Respondent – Acquiring Body for the Waghur Project.

2. The learned Advocate for the Appellant submits that, this Court have disposed off group of First Appeals arising out of the same

acquisition proceedings and same notification, one of which is First Appeal No.2076 of 2023, by which the rate of *Bagayat* land is considered and accepted at Rs.4,00,000/- per Hecter and considered the compensation to the extent of 80% of the amount to the Valuation Report for the trees by the order dated 04.12.2023. She submits that, in the case at hand, the learned Reference Court in Land Acquisition Reference No.1565/2005 has granted the same rate for the land and therefore, the Appeal is not pressed to the extent of compensation for land and the impugned Award be modified to the extent of compensation for trees.

3. The learned Advocate appearing for the Acquiring Body do not dispute the aforesaid aspect submitted by the learned Advocate for the Appellant – Claimant. He submits that, the Appeal can be disposed off in terms of the aforesaid order in the group of Appeals.

4. Having regard the submissions made by the learned Advocates for both sides, I proceed to pass the following order.

ORDER

- (i) The Appeal is partly allowed.
- (ii) The Appellant would be entitled to receive the compensation to the extent of 80% of the amount of Valuation Report for the trees.
- (iii) Remaining compensation and interest would be worked out accordingly by the Executing Court. Other statutory benefits

would also be worked out by the Executing Court. Executing Court to take into consideration the orders passed while condoning the delay in filing appeal while computing the interest and statutory benefits for the delayed period.

- (iv) As regards the interest granted by the learned Reference Court, the same stands modified as per the Judgment of this Court in *State of Maharashtra Vs. Kailash Shiva Rangari, 2016 AIR (Bom.) 141*. The interest be calculated from the date of the Award under Section 11 of the LA Act.
- (v) The Award be modified accordingly.
- (vi) The Office objection/s, if any, be removed within a period of four weeks and execution of the Award would be subject to removal of the Office objection/s.
- (vii) The deficit Court Fees be paid by the Appellant in view of the modified Award.
- (viii) The First Appeal and Pending Application/s, if any, stand/s disposed off.

(NEERAJ P. DHOTE, J.)

GGP