

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

48 FIRST APPEAL NO. 1132 OF 2021

**NARMADABA NARAYAN KOLI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
CIVIL APPLICATION NO. 963 OF 2022
IN FAST/22383/2021**

**THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
DHANRAJ TOTARAM SALUNKE AND OTHERS**

**WITH
CIVIL APPLICATION NO. 961 OF 2022
IN FAST/22337/2021**

**THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
KOKILABAI BHAGWAT KOLI**

**WITH
CIVIL APPLICATION NO. 962 OF 2022
IN FAST/22334/2021**

**THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
LAKSHMIBAI RAMKRISHANA KOLI**

**WITH
FIRST APPEAL NO. 330 OF 2021**

**THE EX. ENGINEER, MINOR IRRIGATION JALGAON AND ANR
VERSUS
TULASABAI DEVRAM KOLI (DIED) THROUGH LRS
SUNANDABAI AND OTHERS**

WITH

FIRST APPEAL NO. 1128 OF 2021

BABU KADUBA KOLI
VERSUS
DISTRICT COLLECTOR, JALGAON AND OTHERS

**WITH
FIRST APPEAL NO. 1156 OF 2021**

BHAGWAN DAGADU KOLI (DIED) LRS CHHAYA AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

**WITH
FIRST APPEAL NO. 1127 OF 2021**

KADUBA SHANKAR KOLI
VERSUS
DISTRICT COLLECTOR, JALGAON AND OTHERS

**WITH
FIRST APPEAL NO. 1157 OF 2021**

DINKAR SHENFADU KOLI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

**WITH
FIRST APPEAL NO. 1168 OF 2021**

LAKSHAMIBAI RAMKRISHNA KOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

**WITH
FIRST APPEAL NO. 1169 OF 2021**

KOLILABAI BHAGWAT KOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

**WITH
FIRST APPEAL NO. 1129 OF 2021**

MANSAK KASAM TADVI

VERSUS
DISTRICT COLLECTOR, JALGAON AND OTHERS

WITH
FIRST APPEAL NO. 1130 OF 2021

BARAKU VITHOBA KOLI
VERSUS
DISTRICT COLLECTOR, JALGAON AND OTHERS

WITH
FIRST APPEAL NO. 1173 OF 2021

BHAGWAT SHANKAR KOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
FIRST APPEAL NO. 1170 OF 2021

DAGADU LATIF TADAVI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
FIRST APPEAL NO. 1172 OF 2021

CHANGDEO SAILU KOLI (DIED) THR LRS VILAS AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
FIRST APPEAL NO. 1171 OF 2021

DNYANESHWAR BARAKU KOLI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
FIRST APPEAL NO. 1153 OF 2021

TULSABAI DEVRAM KOLI (DIED) THROUGH LRS
SUNANDABAI AND OTHERS
VERSUS
DISTRICT COLLECTOR, JALGAON AND OTHERS

**WITH
FIRST APPEAL NO. 1133 OF 2021**

DEVCHAND BUDHA BORADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

**WITH
FIRST APPEAL NO. 756 OF 2022**

DHANRAJ DATTU CHAUDHARI AND OTHERS
VERSUS
DISTRICT COLLECTOR, JALGAON AND OTHERS

**WITH
FIRST APPEAL NO. 707 OF 2022**

BANABAI BARKU CHAUDHARI (DIED) THROUGH LRS
ANANDA BARKU CHAUDHARI
VERSUS
DISTRICT COLLECTOR, JALGAON AND OTHERS

**WITH
FIRST APPEAL NO. 706 OF 2022**

SONABAI VITTHAL MAGRE (MANG) (DIED) THROUGH LRS
ASHOK AND OTHERS
VERSUS
DISTRICT COLLECTOR, JALGAON AND OTHERS

**WITH
CIVIL APPLICATION NO. 8417 OF 2021
IN FAST/21468/2021**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
DEVCHAND BUDHA BORADE

**WITH
CIVIL APPLICATION NO. 8418 OF 2021
IN FAST/21468/2021**
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS

VERSUS
DEVCHAND BUDHA BORADE

WITH
FIRST APPEAL NO. 1471 OF 2021

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS

VERSUS
MANSAK KASAM TADAVI

WITH
FIRST APPEAL NO. 1469 OF 2021

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS

VERSUS
BARKU VITHOBA KOLI

WITH
CIVIL APPLICATION NO. 8422 OF 2021
IN FA/1469/2021

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS

VERSUS
BARKU VITHOBA KOLI

WITH
FIRST APPEAL NO. 1470 OF 2021

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS

VERSUS
BABU KADUBA KOLI

WITH
CIVIL APPLICATION NO. 8423 OF 2021
IN FA/1470/2021

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS

VERSUS
BABU KADUBA KOLI

**WITH
FIRST APPEAL NO. 1468 OF 2021**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
KADUBA SHANKAR KOLI

**WITH
CIVIL APPLICATION NO. 8419 OF 2021
IN FA/1468/2021**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
KADUBA SHANKAR KOLI

**WITH
CIVIL APPLICATION NO. 8415 OF 2021
IN FAST/21499/2021**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
DNYANESHWAR BARAKU KOLI AND ANOTHER

**WITH
CIVIL APPLICATION NO. 8416 OF 2021
IN FAST/21499/2021**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
DNYANESHWAR BARAKU KOLI AND ANOTHER

**WITH
CIVIL APPLICATION NO. 8413 OF 2021
IN FAST/21502/2021**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
CHANGDEO SAILU KOLI (DIED) THROUGH LRS VILAS
CHANGDEO KOLI AND OTHERS

**WITH
CIVIL APPLICATION NO. 8414 OF 2021
IN FAST/21502/2021**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
CHANGDEO SAILU KOLI (DIED) THR LRS VILAS CHANGDEO
KOLI AND ORS

**WITH
CIVIL APPLICATION NO. 9278 OF 2021
IN FAST/22334/2021**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
LAXMIBAI RAMKRUSHAN KOLI

**WITH
CIVIL APPLICATION NO. 9279 OF 2021
IN FAST/22334/2021**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
LAKSHMIBAI RAMKRISHANA KOLI

**WITH
CIVIL APPLICATION NO. 9280 OF 2021
IN FAST/22337/2021**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
KOKILABAI BHAGWAT KOLI

**WITH
CIVIL APPLICATION NO. 9281 OF 2021
IN FAST/22337/2021**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
KOKILABAI BHAGWAT KOLI

**WITH
CIVIL APPLICATION NO. 9276 OF 2021
IN FAST/22383/2021**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
DHANRAJ TOTARAM SALUNKE AND OTHERS

**WITH
CIVIL APPLICATION NO. 9277 OF 2021
IN FAST/22383/2021**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND OTHERS
VERSUS
DHANRAJ TOTARAM SALUNKE AND OTHERS

**WITH
CIVIL APPLICATION NO. 8578 OF 2020
IN FAST/23159/2020**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
JALGAON AND ANOTHER
VERSUS
BANABAI BARKU CHAUDHARI AND OTHERS

**WITH
CIVIL APPLICATION NO. 8579 OF 2020
IN FAST/23159/2020**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
JALGAON AND ANOTHER
VERSUS
BANABAI BARKU CHAUDHARI AND OTHERS

**WITH
FIRST APPEAL NO. 123 OF 2025**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
JALGAON AND ANOTHER
VERSUS
SONABAI VITTHAL MAGRE (DIED THR LRS) ASHOK VITTHAL
MAGARE AND OTHERS

**WITH
CIVIL APPLICATION NO. 8615 OF 2020
IN FA/123/2025**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
JALGAON AND ANOTHER
VERSUS
SONABAI VITTHAL MAGRE (DIED THROUGH LRS) ASHOK
VITTHAL MAGARE AND OTHERS

**WITH
CIVIL APPLICATION NO. 8612 OF 2020
IN FAST/23256/2020**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND ANOTHER
VERSUS
DHANRAJ DATTU CHAUDHARI AND OTHERS

**WITH
CIVIL APPLICATION NO. 8613 OF 2020
IN FAST/23256/2020**

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
JALGAON AND ANOTHER
VERSUS
DHANRAJ DATTU CHAUDHARI AND ORS

**WITH
CIVIL APPLICATION NO. 2243 OF 2023
IN FAST/33007/2022**

IRSHADBI BHIKA TADVI (DIED) THR LRS. LATIF BHIKA
TADVI (DIED) THR LRS. SABERABI AND OTHERS
VERSUS
THE DISTRICT COLLECTOR, JALGAON AND OTHERS

...

Mr. Ajeet B. Kale, Advocate for the original claimants.
Mr. A.D. Pawar, Mr. Chetan Jadhav and Mrs. Manjusha Jagtap,
Advocates for the Acquiring Body in respective appeals.
Mr. Rajdeep Raut, Mr. D.J. Patil and Mr. R.B. Dhaware, AGPs
for respondent / State in respective appeals.

...

CORAM : SANDIPKUMAR C. MORE, J.

DATED : 10 MARCH 2025

ORDER:-

1. As per the request of learned Counsel for the appellants/claimants, First Appeal No. 756 of 2022 filed by the claimants and the corresponding First Appeal (St) No. 23256 of 2020 alongwith civil applications are detagged from the group of these appeals.

2. Heard rival submissions.

3. All these appeals are filed by the respective claimants for enhancement of compensation. The Acquiring Body has also filed certain appeals challenging some of the impugned awards in the appeals filed by the claimants. However, during the pendency the 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

It is to be noted that the same valuer's report in respect of forest and fruit bearing trees is also considered in all these appeals filed by the appellants/claimants.

4. The learned Counsel for the appellants/claimants therefore submits that the compensation at the same rates be awarded in the present appeals also. The respective 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, the respective learned Counsel for the Acquiring Body submit that the land beneath the fruit bearing and forest trees needs to be deducted while computing the compensation in respect of the lands mentioned in these appeals. The learned Counsel for the appellants has pointed out that such deduction is already

made by the learned Reference Court in all these appeals. 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.

5. In view of the same, all the first appeals (except detagged appeals) filed by the appellants / claimants for enhancement of compensation are allowed in terms of the judgment dated 12.04.2018 in group of LAR No.274 of 2012 and others and the rates mentioned in aforesaid para No.3 are granted for calculating the compensation amounts in each of these appeals. The awards be prepared in all these appeals 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 amounts of compensation so calculated be deposited by the Acquiring Body within six months. After deposit of such amounts of enhanced compensation, the concerned appellants/claimants are entitled to withdraw the same alongwith the interest without further reference to this Court.

6. The appeals filed by appellants/claimants (except detagged appeals) are accordingly disposed of alongwith pending civil applications, if any. Needless to say, the appeals filed by the Acquiring Body against some of the impugned judgments are also disposed of alongwith the pending civil applications, if any.

(SANDIPKUMAR C. MORE, J.)