

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

FIRST APPEAL NO.1314 OF 2017

Vitthal Tulshiram Chavan

..Appellant

Versus

The Special Land Acquisition Officer-2,
Upper Tapi Project Hatnur 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 03 Hectors - 09 Are and *Potkharaba* land admeasuring 02 Hectors – 75 Are out of Gat No.188 situated at village Chinchkheda Bk., Tal. Jamner, Dist. Jalgaon came to be acquired by the Respondent – Acquiring Body for the Waghur Project.

2. It is submitted by the learned Advocate for the Appellant that, this Court in group of Appeals out of which one Appeal is First Appeal No.2076 of 2023, arising out of the same acquisition proceedings for the same purpose, passed the order dated 04.12.2023 by considering the earlier order dated 02.11.2023 in First Appeal No.1115 of 2021 and

enhanced the rate for *Bagayat* land at the rate of Rs.4,00,000/- Per Hectare and rate for the trees to the extent of 80% of the amount of the Valuation Report. She submits that, this Appeal be allowed in terms of the said order.

3. The learned Advocate for the Acquiring Body do not dispute the aforesaid aspect that this Court in above referred decision have considered the rate of Rs.4,00,000/- per Hector for the *Bagayat* land and compensation to the extent of 80% of the amount of the Valuation Report of the Trees and and concedes for disposing off this Appeal in terms of the said order.

4. In view of the above, the following order is passed.

ORDER

- (i) The Award of the learned Reference Court in Land Acquisition Reference No.840/2005 (Old L.A.R. No.431/2004) is modified to the extent that, for the *Bagayat* land the Appellant shall be entitled for the rate of Rs.4,00,000/- per Hector and for the *Potkharaba* land Rs. 1,00,000/- per Hector and for the compensation to the extent of 80% of the amount of the Valuation Report for the trees.
- (ii) 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.

- (iii) 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.
- (iv) The Award be modified accordingly.
- (v) 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.
- (vi) The deficit Court Fees be paid by the Appellant in view of the modified Award.
- (vii) The First Appeal and Pending Application/s, if any, stand/s disposed off.

(NEERAJ P. DHOTE, J.)

GGP