



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

FIRST APPEAL NO. 2196 OF 2021

The Executive Engineer, Minor
Irrigation Division No. 1, Aurangabad .. Appellant

Versus

Chabu Rangnath Gore
Since deceased through L.Rs.
Satyabhama and others .. Respondents

**WITH
FIRST APPEAL NO. 2199 OF 2021**

The Executive Engineer, Minor
Irrigation Division No. 1, Aurangabad .. Appellant

Versus

Raghunath Chabu Gore and others .. Respondents

**WITH
FIRST APPEAL NO. 2200 OF 2021**

The Executive Engineer, Minor
Irrigation Division No. 1, Aurangabad .. Appellant

Versus

Laxman Vishwanath Gore and others .. Respondents

**WITH
FIRST APPEAL NO. 2197 OF 2021**

The Executive Engineer, Minor
Irrigation Division No. 1, Aurangabad .. Appellant

Versus

Gorakh Tukaram Gore and others .. Respondents

Shri B. R. Surwase, Advocate for the Appellant in all matters.
 Shri V. S. Sapkal, Senior Advocate a/w Ms. Priyanka Kale,
 Advocate i/by Shri P. M. Janapurkar Advocate for the
 Respondents – claimants in all matters.
 Mrs. M. N. Ghanekar, A.g.P. for the Respondent Nos. 5 and 6 in
 all matters.

CORAM : SHAILESH P. BRAHME, J.
DATE : 08TH DECEMBER, 2025.

FINAL ORDER :

. Heard both sides finally at the admission stage.

2. The appeals can be decided finally by common order. I propose to refer to the paper book of First Appeal No. 2199 of 2021. Acquiring body has preferred these appeals against the enhancement given by the Reference Court by judgments decided by different dates.

3. The material particulars can be summarized as follows :

First Appeal No.	L.A.R. No.	Lang gut no. & area	Rate given by the S.L.A.O.	Rate given by the Reference Court	Date of Judgment
2196/2021	380/2008	G. No. 94 1H 35R G. No. 92 0H 01R	Rs. 1,060/-	Rs. 5,250/-	03.09.2018
2199/2021	374/2008	G. No. 64 9H 6R	Rs. 1,060/-	Rs. 5,250/-	11.09.2018
2200/2021	369/2008	G. No. 54 5H 93R G. No. 93	Rs. 1,060/-	Rs. 5,250/-	18.02.2019

		0H 45R			
2197/2021	375/2008	G. No. 54 05H 93R	Rs. 1,060/-	Rs. 5,250/-	14.01.2019

4. The acquisition in question is for the purpose of construction of Bruhat Laghu Patbandhare Prakalpa / Deogaon Rangari Storage Tank, Tq. Kannad Dist. Aurangabad. The lands of the respondents have been acquired from village Deogaon Rangari, Tq. Kannad, Dist. Aurangabad. The notification U/Sec. 4(1) of the Land Acquisition Act (for the sake of brevity and convenience hereinafter referred as to the 'Act') was issued on 06.01.2004. Award was passed by the Special Land Acquisition Officer on 30.08.2007. The lands were comprising of the trees also. A separate compensation was calculated for the lands and the trees. Admittedly, number of trees recorded in the award and shown in the report of the private valuer are tallying. The claimants led oral evidence before the Reference Court including that of private valuer and his valuation report. The acquiring body did not lead any evidence before the Reference Court.

5. Learned counsel Mr. B. R. Surwase appearing for the appellant – acquiring body submits that interest in all the appeals has been incorrectly awarded, which is against the law laid down by the Full Bench of this Court in the matter of State of Maharashtra Vs. Kailash Shiva Rangari reported in *2016(3) Mh.L.J. 457*. He would further submit that the rate fixed for the lands and the trees is exorbitant, arbitrary and without any foundation. It is further submitted that the valuation reports are concocted and

liable to be discarded. It is further submitted that the Reference Court committed error of jurisdiction in accepting 80% of the valuation report. No evidence was placed on record to show the age and nature of the trees, their location and valuation reports were accepted randomly, which were unilateral.

6. Per contra, learned senior counsel Mr. V. D. Sapkal for the respondents – claimants supports impugned judgments and award. He would submit that acquiring body did not lead any evidence before the Reference Court. No evidence was adduced to discredit deposition of the private valuer. Nothing was elucidated from his cross examination. It is submitted that law laid down by the Supreme Court in the matter of Chindha Fakira Patil (dead) through L.Rs. Vs. Special Land Acquisition Officer, Jalgaon reported in *2012(2) Mh.L.J. 530* was followed and reasonable compensation was given for the trees. It is further submitted that the Government had accepted rate of Rs. 5,250/- per R in Lok Adalat, which was being consistently followed in various matters. It is further submitted that the respondents are entitled to get separate compensation for the lands as well as trees.

7. I have considered rival submissions of the parties. The respondents – claimants led oral evidence of themselves and that of the private valuer, whose valuation report was accepted. As against that acquiring body did not lead any evidence. The witnesses of the claimants were cross examined by the acquiring body. I have gone through the depositions. Nothing detrimental

to the interest of the claimants has been elucidated from the cross examination.

8. It is pertinent to note that number of trees in each matter claimed by the respondents – claimants are tallying with the joint measurement report and the award. The existence of the trees is undisputed. If the acquiring body wanted to challenge the age and the nature of the trees to show that the claim for the tree is imaginary, then they should have lead evidence before the Reference Court. Learned counsel for the appellant is unable to demonstrate as to how the valuation reports which are proved before the Court are liable to be discarded in their entirety.

9. The claim of the claimants is for the lands as well as trees. Nothing is produced on record to show that valuation is incorrect. The Reference Court has cautiously accepted the valuation report to the extent of 80% only. The law laid down by the Supreme Court in the matter of Chindha Fakira Patil (dead) through L.Rs. Vs. Special Land Acquisition Officer, Jalgaon (supra) has been followed. I do not find any illegality or perversity in the findings recorded by the Reference Court in respect of valuation of the trees.

10. In Lok Adalat the rate of Rs. 5,250/- per R for the irrigated land is accepted in the matters arising out of the same acquisition proceedings. The acquiring body did not challenge the rate on any earlier occasion. Now for the first time it is not

permissible to contend that the rate fixed is arbitrary and unreasonable. The acquired lands are bagayat lands. The submission in respect of rates fixed for the lands has no merit.

11. My attention is adverted to the judgment of the Division Bench of this Court in the matter of **Pramod Sadashiv Khodke Vs. State of Maharashtra through Department of Revenue, Mantralaya, Mumbai** reported in *2022(2) All M.R. 514*, which lays down the circumstances when separate compensation is awardable for the lands and the trees. The Division Bench *inter alia* relied upon the judgment of the Supreme Court in the matter of **Ambya Kalya Mhatre (Dead) through L.Rs. and others Vs. State of Maharashtra** reported in *(2011) 9 SCC 325*. Considering the principles laid down by the Supreme Court, which were followed by the Division Bench of this Court, the Reference Court has rightly awarded separate compensation for the lands and the trees to the respondents – claimants.

12. The compensation awarded by the Reference Court is slight above the four times. The compensation awarded to the trees is as follows :

First Appeal No.	Rate given by the S. L. A. O.	Demand made by the claimants	Rate given by the Reference Court.
2196/2021	Rs. 50,714/-	Rs. 4,25,236.21	Rs. 3,40,188/-
2199/2021	Rs. 2,12,580/-	Rs. 10,04,656/-	Rs. 8,03,725/-
2200/2021	Rs. 2,300/-	Rs. 38,749.37	Rs. 31,000/-
2197/2021	Rs. 3,94,127/-	Rs. 14,66,725.19	Rs. 11,73,389/-

13. It can be said from the above table that enhancement given by the Reference Court for the valuation of the trees is within four times. The respondents have placed reliance on the Government Resolution dated 03.11.2016 and further policies to buttress that in case of enhancement is within four times, then appeal should not be filed in the High Court. Reliance is also placed on the **judgment dated 28.07.2025 of the Coordinate Bench in Writ Petition No. 2053 of 2024 in the matter of The Executive Engineer Latur Minor Irrigation Division Latur Vs. The State of Maharashtra and others.** The case at hand is of composite compensation. The compensation awarded for land is above four times. The enhancement of the compensation for the trees is within four times. It is not appropriate therefore to dismiss the present appeals relying on the policies of the Government. Hence I have examined merits of the matters independently and arrived at conclusion that the enhancement given by the Reference Court for the lands as well as trees is just and reasonable.

14. The appellants have pressed into service judgment of the Full Bench judgment. I find substance in the submissions of the appellants. In all the appeals the interest has been awarded from the date of notification instead of from the date of award. The respondents are entitled to have interest from 30.08.2007. Except the ratification date from which interest becomes payable, I am confirming the judgments and award in question.

15. All first appeals are substantially dismissed, save and except that the respondents are entitled to have interest from the date of award that is 30.08.2007. Award be drawn up accordingly.

16. The respondents – claimants shall be disbursed the amount with accrued interest in terms of above award, if not disbursed earlier.

17. Considering the modification in the entitlement of interest, if the appellants are found to be entitled to receive the amount, the same shall be disbursed to them.

[SHAILESH P. BRAHME J.]

bsb/Dec. 25