



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

**CIVIL APPLICATION NO. 7834 OF 2025
IN FA/423/2025**

**DATTATRAYA MITHU LOKHANDE DIED
THROUGH LRS MANGALBAI AND ORS**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH
SUB-DIVISIONAL OFFICER / S.L.A.O. SILLOD
DIST AURANGABAD AND ANR**

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Advocate for the Applicant : Mr.Bide Dnyaneshwar A.

AGP for Respondent/State : Mr.D.B.Bhange

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CORAM : SHAILESH P. BRAHME, J.

DATE : 12.08.2025

PER COURT :

. Applicants are anxious to receive the amount deposited by the Respondent/Acquiring body to the tune of Rs.3,46,66,436/-. Learned counsel for the applicants tenders on record a compilation and information in a tabular form to buttress a point that in similarly circumstanced nine matters, the respondents did not prefer appeal and are disbursed the amount. Only the present matter is singled out and appeal has been preferred. It is submitted that compensation awarded by the reference court is just and reasonable. It is at par with other similarly situated matters. There is material on record for awarding compensation for the trees and no fault can be found in the judgment of the reference court. Couple of judgments of reference

court are placed on record to show that same rate was awarded by the reference court and compensation was also awarded for fruit bearing trees.

2. Learned AGP opposes the application and submissions. It is submitted that special land acquisition officer did not grant any compensation towards trees but the reference court for the first time granted compensation to the tune of Rs.38,68,228/-which is unreasonable and arbitrary. It is submitted that the quantum is doubtful and therefore appeal has been preferred. It's a case of huge compensation. It is submitted that this Court should be very slow in disbursing the amount.

3. I have considered rival submissions of the parties. Reference court has awarded compensation for the trees for the first time to the tune of Rs. 38,68,228. Respondents have serious objections for this part of the amount. The judgments placed on record passed by the reference court would indicate that almost identical rate is awarded by the reference court. Spot panchnama placed on record would indicate that panchnama was conducted by the competent officers disclosing the trees. There is substance in the submissions that similarly situated claimants are awarded compensation by applying the same rate and no appeal is preferred against the judgment of the reference court. I am of the considered view that a case is made out to permit the applicants to receive 50% of the compensation on furnishing undertaking and further 25% on furnishing solvent

surety/security.

4. Civil application is partly allowed by permitting the applicants to receive 50% of the compensation with accrued interest on furnishing undertaking and further 25% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

5. Balance amount shall be invested in nationalized bank.

[SHAILESH P BRAHME, J.]

vsj..