

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

FIRST APPEAL NO.375 OF 2016

1. The State of Maharashtra
Through – The Special Land Acquisition Officer
No. 13, Ahmednagar
 2. The Executive Engineer,
Minor Irrigation, Beed Division, Dist. Beed.
 3. The Dy. Engineer,
Minor Irrigation, Sub- Divn., Patoda,
Dist. Beed
- ... Appellants
(Orig. Respondents)

Versus

1. Uddhav Ashru Hinge,
Age : 32 Years, Occu : Agriculturist,
R/o. Munguswade, Tq. Pathardi,
Dist. Ahmednagar
 2. Indrawanibai Dattoba Hinge,
Age : 70 years,
 3. Tulsabai Ramnath Jogdand,
Age : 65 years,
N. A. No.4, R/o. Belora, Tq. Shirpur
& N. A. No.5, R/o. Dhanora,
Tq. Shirpur, Dist. Beed.
- ... Respondents
(R. No. 1 – Ori. Claimants)
(R. Nos.2 & 3 Ori. Nos. 4 & 5)

.....

WITH

CIVIL APPLICATION NO.6392 OF 2024

IN

FIRST APPEAL NO.375 OF 2016

AND

FIRST APPEAL NO. 372 OF 2016

1. The State of Maharashtra,
Through- The Special Land Acquisition Officer
No. 13, Ahmednagar.
2. The Executive Engineer,

Minor Irrigation, Beed Division, Dist. Beed.

3. The Dy. Engineer,
Minor Irrigation, Sub-Divn., Patoda,
Dist. Beed.

.. Appellants
(Ori. Respondents)

Versus

1. Parmeshwar Dattu Hinge,
Age - 35 Years, Occu - Agriculturist.
2. Narayan Dattu Hinge,
Age - 30 Years, Occu. Agriculturist.
3. Rajabhau Dattu Hinge,
Age 40 Years, Occu. Agriculturist.
R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar.

...Respondents
(Ori. Claimants)

.....
AND

FIRST APPEAL NO. 373 OF 2016

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No. 13, Ahmednagar.
2. The Executive Engineer,
Minor Irrigation, Beed Division, Dist. Beed.
3. The Dy. Engineer,
Minor Irrigation, Sub-Divn., Patoda,
Dist. Beed.

... Appellants
(Ori. Respondents)

Versus

Lahu Haribhau Kamble,
Age 55 Years, Occu. Agriculturist.
R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar.

...Respondent
(Ori. Claimant)

.....
AND

FIRST APPEAL NO.374 OF 2016

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No. 13, Ahmednagar.

2. The Executive Engineer,
Minor Irrigation, Beed Division,
Dist. Beed.

3. The Dy. Engineer,
Minor Irrigation, Sub-Divn.,
Patoda, Dist. Beed.

... Appellants
(Ori. Respondents)

Versus

1. Prabhakar Sahebrao Hinge,
Age 30 Years, Occu. Agriculturist.
R/o Munguswade, Tq. Pathardi, Dist. Ahmednagar.

2. Mahadeo Sahebrao Hinge,
Age-25 yrs, Occ - Agril.

3. Ramnath Dadaba Hinge,
Age- 40 yrs, Occ - Agril.

4. Raghunath Dadaba Hinge,
Age-35 yrs, Occ - Agril.

5. Baburao Dadaba Hinge,
Age-30 yrs, Occ - Agril.
N.A.Nos. 4 to 7,
R/o Munguswadi, Tq. Pathardi,
Dist. Ahmedngar.

...Respondents
(R. No. 1 Ori. Claimants)
(R. Nos.2 to 5 Ori. Nos.4 to 7)

....
AND

FIRST APPEAL NO. 1336 OF 2016

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No. 13, Ahmednagar.

2. The Executive Engineer, Minor Irrigation,
Beed Division, Dist. Beed.

3. The Dy. Engineer,
Minor Irrigation, Sub-Divn., Patoda,
Dist. Beed.

... Appellants
(Ori. Respondents)

Versus

Bhagwan s/o Sakharam Hinge (died)
Through L.Rs.

- 1-A) Pradeep Bhagwan Hinge,
Age: 52 years, Occu. Agriculture,
- 1-B) Sunil s/o Bhagwan Hinge (Died)
Through his L.Rs.
- 1-B-1) Jayshri w/o Sunil Hinge
Age: 42 years, Occu. Agri.
- 1-B-2) Priyanka w/o Sunil Pawar
Age: 22 years, Occu. Agri.
- 1-B-3) Pratibha w/o Nanasaheb Sawant
Age: 20 years, Occu. Agri.
- 1-B-4) Pankaj s/o Sunil Hinge,
Age: 19 years, Occu. Agri.

Both R/o Munguswade, Tq. Pathardi,
District: Ahmednagar.

... Respondents
(Orig. Claimants)

.....
AND

FIRST APPEAL NO.1338 OF 2016

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No.13, Ahmednagar.
2. The Executive Engineer,
Minor Irrigation, Beed Division, Dist. Beed.
3. The Dy. Engineer,
Minor Irrigation, Sub-Divn., Patoda, Dist. Beed.

.. Appellants
(Ori. Respondents)

Versus

1. Ramesh Uttam Hinge,
Age- 55 yrs, Occu. Agriculturist,
2. Ashok Uttam Hinge,
Age-30 yrs, Occu. Agriculturist,
3. Bandu Uttam Hinge,
Age- 25 yrs, Occu. Agriculturist,

All R/o. Munguswade, Tq. Pathardi,
Dist. Ahmednagar.
4. Uddhav Ashru Hinge,
Age- 38 yrs, Occu. Agriculturist.
5. Navnath Punja Hinge,
Age- 55 yrs, Occu. Agriculturist,
6. Sandipan Puna Hinge,
Age- 50 yrs, Occu. Agriculturist,
7. Sundarabai Namdeo Hinge,
Age- 80 yrs,
8. Sushilabai Uttam Hinge,
Age- 55 yrs,

All R/o. Munguswade, Tq. Pathardi,
Dist. Ahmednagar.
9. Shakuntalabai Kakasaheb Kharat,
Age- 40 yrs., R/o. Malegaon,
Tq. Gevrai, Dist. Beed

... Respondents

(Respondent Nos.1 to 3 Ori. Claimants)

(Respondent Nos.4 to 9 Ori. Respondents)

.....

WITH**CIVIL APPLICATION NO.12790 OF 2014**IN**FIRST APPEAL NO.1338 OF 2016**AND**FIRST APPEAL NO.1339 OF 2016**

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No. 13, Ahmednagar.
 2. The Executive Engineer,
Minor Irrigation, Beed Division, Dist. Beed.
 3. The Dy. Engineer, Minor Irrigation,
Sub-Divn., Patoda, Dist. Beed.
- ...Appellants
(Ori. Respondents)

Versus

1. Sandipan Punja Hinge,
Age 45 Years, Occu. Agriculturist.
R/o Munguswade, Tq. Pathardi, Dist. Ahmednagar.
2. Navnath Punja Hinge,
Age- 55 yrs, Occ. Agril.
3. Abasaheb Baburao Hinge,
Age- 60 yrs, Occ. Agril.
4. Raosaheb Baburao Hinge,
Age- 50 yrs, Occ. Agril.

Non-Applicant nos. 4 to 6,
R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar.

...Respondents
(R. No. 1 Ori. Claimants)
(R. Nos.2 to 4 Ori. Nos. 4 to 6)

.....
AND

FIRST APPEAL NO. 1340 OF 2016

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No.13, Ahmednagar.
 2. The Executive Engineer,
Minor Irrigation, Beed Division,
Dist. Beed.
 3. The Dy. Engineer,
Minor Irrigation, Sub-Divn., Patoda,
Dist. Beed.
- ... Appellants
(Ori. Respondents)

Versus

1. Sheshrao Kundlik Hinge,
Age 70 Years, Occu. Agriculturist.
2. Atmarao Sheshrao Hinge,
Age 45 Years, Occu. Agriculturist.
3. Bhagwan Sheshrao Hinge,
Age 40 Years, Occu. Agriculturist.
4. Bhausahab Tukaram Hinge,
Age 45 Years, Occu. Agriculturist.
5. Raosaheb Tukaram Hinge,
Age 50 Years, Occu. Agriculturist.
R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar.
6. Sandip Tukaram Hinge,
Age-40 yrs
7. Shivaji Tukaram Hinge,
Age-35 yrs

N.A. No.4 & 5
R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar.

...Respondents

(R. Nos. 1 to 5 Ori. Claimants)

(R. No. 6 & 7 Ori. R. Nos. 4 & 5)

.....

WITH

CIVIL APPLICATION NO.10489 OF 2022

IN

FIRST APPEAL NO. 1340 OF 2016

AND

FIRST APPEAL NO.1342 OF 2016

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No. 13, Ahmednagar.
2. The Executive Engineer,

Minor Irrigation, Beed Division,
Dist. Beed.

3. The Dy. Engineer,
Minor Irrigation, Sub-Divn., Patoda,
Dist. Beed.

.. Appellants
(Ori. Respondents)

Versus

1. Santram Punja Hinge,
Age 65 Years, Occu. Agriculturist.
R/o. Munguswade, Tq. Pathardi,
Dist. Ahmednagar.
2. Gahininath Punja Hinge,
Age 60 Years.
3. Sandipan Punja Hinge,
Age 45 Years.
4. Navnath Punja Hinge,
Age 55 Years.
5. Baliram Punja Hinge,
Age 50 Years.

R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar.

...Respondents

(Respondent 1 Ori. Claimants)

(Respondent Nos.2 to 5 Ori. Respondent Nos.4 to 7)

....

AND

FIRST APPEAL NO.1346 OF 2016

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No. 13, Ahmednagar.
2. The Executive Engineer,
Minor Irrigation, Beed Division,
Dist. Beed.
3. The Dy. Engineer,
Minor Irrigation, Sub-Divn., Patoda,
Dist. Beed.

... Appellants
(Ori. Respondents)

Versus

1. Dinkar Natha Hinge,
Age 35 Years, Occu. Agriculturist.
R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar.
2. Shakuntala Ashru Hinge
3. Dashrath Ashru Hinge
4. Ganubai Bhaskar Hinge
Age-35 yrs
5. Ashok Bhaskar Hinge
Age-21 yrs,
6. Kalyan Ramkisan Hinge
Age-30 yrs
7. Pandurang Ramkisan Hinge
Age-25 yrs
8. Bhagirathibai Ramkisan Hinge
Age-55 yrs
N.A. Nos.4 to 10
R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar.

...Respondents

(R. No. 1 Ori. Claimants)

(R. Nos. 2 to 8 Ori. R. Nos. 4 to 10)

.....

AND**FIRST APPEAL NO. 1343 OF 2016**

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No. 13, Ahmednagar.
2. The Executive Engineer,
Minor Irrigation, Beed Division,
Dist. Beed.
3. The Dy. Engineer,
Minor Irrigation, Sub-Divn., Patoda,
Dist. Beed.

.. Appellants
(Ori. Respondents)

Versus

1. Baliram Punja Hinge,
Age 40 Years, Occu. Agriculturist.
R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar.
 2. Santram Punja Hinge,
Age - 65 Years, Occ. Agril.
 3. Gahininath Punja Hinge,
Age - 60 Years, Occ. Agril.
 4. Sandipan Punja Hinge,
Age-45 Years, Occ. Agril.
Non- Applicant Nos. 4 to 6
R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar.
- ...Respondents
(R. No.1 Ori. Claimants)
(R. Nos. 2 to 5 Ori. R. Nos. 4 to 6)

.....
AND

FIRST APPEAL NO.1344 OF 2016

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No. 13, Ahmednagar.
 2. The Executive Engineer,
Minor Irrigation, Beed Division, Dist. Beed.
 3. The Dy. Engineer,
Minor Irrigation, Sub-Divn., Patoda,
Dist. Beed.
- ... Appellants
(Ori. Respondents)

Versus

1. Vitthal s/o Narayan Hinge ... Died
Through legal heirs :-
- 1-A. Shivaji s/o Vitthal Hinge
Age: 41 years, occu:- Agril
- 1-B. Ajinath s/o Vitthal Hinge
Age: 33 years, occu:- Agril

- 1-C. Dwarkabai w/o Baban Kashid
Age: 35 years, occu:- Agril

R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar

2. Dattu Narayan Hinge,
Age : 60 Years, Occu : Agriculturist,
R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar

3. Deubai Kisan Shelke,
Age : 65 Years, Occu : Household,
R/o. Vadgaon, Tq. Pathardi,
Dist. Ahmednagar

...Respondents
(Respondents 1 & 2 Ori. Claimants)
(Respondent 4 Ori. Respondent)

.....
AND

FIRST APPEAL NO.1341 OF 2016

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No. 13, Ahmednagar.
2. The Executive Engineer,
Minor Irrigation, Beed Division,
Dist. Beed.
3. The Dy. Engineer,
Minor Irrigation, Sub-Divn., Patoda,
Dist. Beed.

.. Appellants
(Ori. Respondents)

Versus

Devrao Nathu Chavate,
Age 50 Years, Occu. Agriculturist,
R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar.

...Respondent
(Ori. Claimant)

.....

AND

FIRST APPEAL NO.1347 OF 2016

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No. 13, Ahmednagar.
2. The Executive Engineer,
Minor Irrigation, Beed Division,
Dist. Beed.
3. The Dy. Engineer,
Minor Irrigation, Sub-Divn., Patoda,
Dist. Beed.

... Appellants
(Ori. Respondents)

Versus

Bhausahab Bhujangrao Hinge,
Age 53 Years, Occu. Agriculturist.
R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar.

...Respondents
(Ori. Claimants)

....
AND

FIRST APPEAL NO.1348 OF 2016

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No. 13, Ahmednagar.
2. The Executive Engineer,
Minor Irrigation, Beed Division,
Dist. Beed.
3. The Dy. Engineer,
Minor Irrigation, Sub-Divn.,
Patoda, Dist. Beed.

... Appellants
(Ori. Respondents)

Versus

1. Sushilabai Ashru Hinge
Age 60 Years, Occu. Agriculturist.
R/o Munguswade, Tq. Pathardi, Dist. Ahmednagar.
2. Indrayani Dattoba Gawate,
Age - 70 Years.

3. Tulsabai Rangnath Jogdand,
Age- 65 Years.

N.A. Nos. 2 R/o Belora,
Tq. Shirur and Non-Applicant No.3
R/o Dhanora, Tq. Shirur, Dist. Beed.

...Respondents
(R. No.1 Ori. Claimants)
(R. Nos. 2 & 3 Ori. R. Nos. 4 & 5)

.....
AND

FIRST APPEAL NO.1349 OF 2016

1. The State of Maharashtra.
Through- The Special Land Acquisition Officer
No. 13, Ahmednagar.
2. The Executive Engineer, Minor Irrigation,
Beed Division, Dist. Beed.
3. The Dy. Engineer,
Minor Irrigation, Sub-Divn.,
Patoda, Dist. Beed.

.. Appellants
(Ori. Respondents)

Versus

Bhaurao Namdeo Shelke,
Age 70 Years, Occu. Agriculturist,
R/o Munguswade, Tq. Pathardi,
Dist. Ahmednagar.

...Respondents
(Ori. Claimants)

.....
Ms. A. S. Deshmukh, AGP for the Appellants-State in respective Appeals.
Shri. D. R. Jaybhar, Advocate for the Respondents in respective Appeals.

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CORAM : NEERAJ P. DHOTE, J.
Reserved on : DECEMBER 01, 2025
Pronounced on : DECEMBER 18, 2025

JUDGMENT :-

. These 16 (sixteen) First Appeals under Section 54 of the Land Acquisition Act (for short, 'L.A. Act') are filed by the State of

Maharashtra against the common Judgment and Order / Award dated 21.02.2012 passed by the 2nd Jt. Civil Judge, Senior Division, Ahmednagar (hereinafter referred to as the 'Reference Court') granting enhanced compensation to the Respondents / Claimants towards acquisition of their lands and the fruit bearing trees. As common submissions are advanced, all these Appeals are decided by this common Judgment.

2. The brief facts, giving rise to the present Appeals, are as under:

2.1. The land acquisition proceedings were initiated for construction of tank under the name 'Ukanda Chakla Minor Irrigated Tank No.3" at village Munguswadi, Tal. Pathardi, Dist. Ahmednagar. The Notification under Section 4 of the L.A. Act was issued on 23.04.1998 and published in the daily newspaper on 26.04.1998. Section 6 Notification was issued on 08.04.1999. The joint measurement was carried out. The requirement was for 7-Hectares, 34-R land. The Special Land Acquisition Officer (for short, 'SLAO') classified the lands as per the assessment rate and determined the market price @ Rs.40,500/- for Group No.I, Rs.44,500/- for group No.II, Rs. 51000/- for group No.III, and Rs. 61,000/- for group No.IV. The SLAO awarded the compensation for lands, trees, well, construction and embankment. The SLAO declared the Award on 29.04.2000.

2.2. The Respondents / Claimants filed their respective Reference Applications under Section 18 of the L.A. Act which were referred to the learned 2nd Jt. Civil Judge, Senior Division, Ahmednagar. They claimed the compensation @ Rs. 2,00,000/- per *Hectare* and compensation for fruit bearing trees etc. The Reference Applications were resisted by the State by filing Written-statements. The evidence was led in the Land Reference Application No.27/2003 and the evidence led therein was adopted in the other Reference Applications. Considering the evidence brought on record, the Reference Applications were partly allowed. The learned Reference Court awarded the compensation @ Rs.1,00,000/- (One Lakh) per Hectare for *Jirayat* land and Rs.1,50,000/- per Hectare for seasonally irrigated land and granted compensation towards the fruit bearing trees based on the Assessment Report of the Horticulturist, examined by the Claimants.

3. It is submitted by the learned AGP for the Appellants that, as far as the compensation awarded for the acquired land is concerned, there is no serious challenge to the same as the same is within four (4) times of the rate granted by the SLAO. Also the enhanced compensation for the land was properly enhanced by the learned Reference Court on the basis of evidence available on record. She submitted that, the challenge is to the compensation awarded for the fruit bearing trees. No separate compensation can be granted to the fruit bearing trees. For the

future age of the trees, the multiplier of 15 is taken into consideration which is excessive and the same is required to be brought down to 8. The Valuer was the expert in the agricultural land and not for the trees or horticulture. The expert visited the land in 1998 and certificate was issued in 2002 which show that, he was not the expert at the relevant time. The expert valued the trees three (3) times more than the valuation done by the SLAO. The compensation for trees was enhanced as per the request of the Claimants and the same was on higher side. The interest awarded by the learned Reference Court is required to be modified in the light of the Judgment of this Court in *State of Maharashtra Vs. Kailash Shiva Rangari*, 2016 AIR (Bom.) 141. In support of her submissions, she relied on the following Judgments:

- (a) *State of Haryana v. Gurcharan Singh and another etc.*, AIR 1996 SC 106
- (b) *Ambya Kalya Mhatre (Dead) Through LRs and Others vs. State of Maharashtra*, (2011) 9 SCC 325.

4. It is submitted by the learned Advocate for the Respondents / Claimants that, the learned Reference Court has rightly assessed the evidence available on record and granted enhanced compensation. Compensation for the land comes within four (4) times and for which the State has taken decision not to challenge such Awards. The compensation for trees is granted on the basis of documentary as well as oral evidence of the Reports of the Horticulturist. The Valuer filed his Report after visiting on the spot and verifying the documents. No

separate compensation is granted for the Well, Pipeline etc. Multiplier of 10 for the future age of trees is properly granted. No interference was called for in the Judgment and Award passed by the learned Reference Court and the Appeals be dismissed. In support of the said submissions, he placed reliance on the following Judgments :

- (i) *Mehrawal Khewaji Trust (regd.) Faridkot and Ors v. State of Punjab and Ors.*, AIR 2012 SC 2721,
- (ii) *Chindha Fakira Patil (D) through L. Rs v. The Special Land Acquisition Officer, Jalgaon*, AIR 2012 SC 481
- (iii) *Bhupendra Ramdhan Pawar v. Vidarbha Irrigation Development Corporation, Nagpur and Ors etc.*, AIR 2021 SC 4393
- (iv) *Ambya Kalya Mhatra (D) By L.Rs. And Ors v. State of Maharashtra*, 2011 AIR SCW 5749
- (v) *Balwan Singh and Ors v. Land Acquisition Collector and Anr*, AIR 2016 SC 1565
- (vi) *Shankarrao Bhagwantrao Patil etc v. State of Maharashtra*, AIROnline 2021 SC 789,
- (vii) *Pratap Singh (Dead) Through Lrs and Ors v. Shiv Ram (Dead) Through Lrs*, AIR 2020 SC 1382.
- (viii) *Smt. Sudha Devi v. M. P Narayanan and others*, AIR 1988 SC 1381.
- (ix) *Shaikh Imambi v. Special Deputy Collector (Land Acquisition), Telegu Ganga Project*, AIR 2011 SC (Supp) 513
- (x) *Saraswatabai Motiram Tayade and Ors v. Vidarbha Irrigation Development Corporation and Anr*, AIROnline 2025 SC 1185

5. There is no dispute in respect of the extent of land acquired

and the purpose of acquisition. The learned Reference Court in paragraph no.1 of the Judgment have given the detailed description of the acquired lands. Since there is no dispute on the said aspect, there is no need to discuss on the same. It is clear from the Judgment of the learned Reference Court that, the market rate of the acquired land is granted on the basis of the sale instances brought on record by the Claimants in evidence of witness examined by them i.e. Shri. Ramesh Uttam Hinge. There is no dispute that, the compensation for land is enhanced with reference to the said sale instances. No serious challenge is raised to the quantum of enhanced compensation determined by the learned Reference Court in respect of the acquired land. More so, according to the learned Advocate for the Respondents / Claimants, the amount of enhanced compensation determined by the learned Reference Court is within 4 (four) times of the compensation awarded or determined by the SLAO and in view of the policy decision of the Government, the challenge to the extent of enhanced compensation for land will not survive. This aspect is not disputed by the learned AGP for the State. Thus, no interference is called for in the rate determined by the learned Reference Court in respect of the acquired lands.

6. One of the grounds raised by learned AGP is that, the Respondents / Claimants are not entitled for the separate compensation for the fruit bearing trees as compensation is awarded for the acquired

land. The learned Advocate for the Respondents – Claimants submitted that, since the compensation for land is granted by considering the sale statistics or the sale-deeds, the learned Reference Court has rightly considered and granted separate compensation for the fruit bearing trees.

7. In *Ambya Kalya Mhatre (supra)*, the relevant observations made in paragraph nos.34 and 35 in respect of the question no. (iii) are reproduced below:

“34. The High Court has also held that once the compensation is awarded for the land, there cannot be additional or separate compensation for the trees. For this purpose, the High Court has relied upon the following observations of this Court in State of Haryana vs. Gurcharan Singh: (SCC p. 639, para 3)

"3. ... It is settled law that the Collector or the court who determines the compensation for the land as well as fruit bearing trees cannot determine them separately. The compensation is to the value of the acquired land. The market value is determined on the basis of the yield. Then necessarily applying suitable multiplier, the compensation needs to be awarded. Under no circumstances the court should allow the compensation on the basis of the nature of the land as well as fruit- bearing trees. In other words, market value of the land is determined twice over; once on the basis of the value of the land and again on the basis of the yield got from the fruit-bearing trees. The definition of land includes the benefits which accrue from the land as defined in Section 3(a) of the Act. After compensation is determined on the basis of the value of the land as distinct from the income applying suitable multiplier, then the trees would be valued only as firewood and necessary compensation would be given."

35. We are afraid that the High Court has misread the said decision in regard of valuing the land and trees separately. If

the land value had been determined with reference to the sale statistics or compensation awarded for a nearby vacant land, then necessarily, the trees will have to be valued separately. But if the value of the land has been determined on the basis of the sale statistics or compensation awarded for an orchard, that is land with fruit-bearing trees, then there is no question of again adding the value of the trees. Further, if the market value has been determined by capitalizing the income with reference to yield, then also the question of making any addition either for the land or for the trees separately does not arise. In this case, the determination of market value was not with reference to the yield. Nor was the determination of market value in regard to the land with reference to the value of any orchard but was with reference to vacant agricultural land. In the circumstances, the value of the trees could be added to the value of the land.”

8. In *Bhupendra (supra)*, the afoersaid Judgment in *Ambya Kalya Mhatre* is considered and the Claimants therein was held entitle for compensation. Therefore, in view of the above referred settled position under the law and admitted position that the enhanced compensation is determined with reference to the sale instances, I find no merit in the contention of the learned AGP that, the learned Reference Court erred in granting separate compensation for fruit bearing trees.

9. The other ground raised by the learned AGP for the State is that of multiplier for the future age of trees. For this, the Judgment in *State of Haryana (supra)* is relied upon by her wherein it is observed that, ‘*Under no circumstances, the multiplier should be more than 8 years multiplier as it is settled law of this court in catena of decisions that when the market value is determined on the basis of the yield from*

the trees or plantation, 8 years multiplier shall be appropriate multiplier. For agricultural land 12 - years multiplier shall be suitable multiplier.'

In the case at hand, the learned Reference Court has granted the multiplier of 10 for the future age of trees. The said submission in respect of multiplier of 15 is contrary to the factual aspects in the matter. The Judgments in *Shaikh Imambi (supra)* and *Saraswatabai Motiram Tayade (supra)*, the Hon'ble Apex Court has approved the multiplier higher than 8.

10. The observations in the Judgment show that, the learned Reference Court has considered the evidence available on record including the Valuation Report in determining the compensation for the fruit bearing trees. The learned Reference Court also took into consideration the relevant Government Resolution which formed the basis to fix the market rate in respect of the fruits and observed that, there was no reason to disbelieve the evidence of the Expert Valuer. The decision of granting compensation for the fruit bearing trees is supported by proper reasons. The observation in the Judgment that Witness - the Expert Valuer was Horticulture Expert is supported by the documents. There is observation by the learned Reference Court that, the Report of the Horticulturist and the Government Valuer's Report support each other and only there is difference in respect of yearly expected income and the market price. The amount of compensation for

fruit bearing trees awarded by the learned Reference Court is supported by the evidence on record and supported with acceptable reasons. Hence, no interference is called for in the multiplier and in the amount of enhanced compensation determined and awarded by the learned Reference Court.

11. As regards the contention of the learned AGP that, the interest granted by the learned Reference Court is from the date of taking possession of the lands, which is not in consonance with the decision of this Court in *Kailash Shiva Rangari (supra)*, there is merit in this contention. This aspect is not disputed by the learned Advocate for the Respondents / Claimants. Therefore, the operative order of the Judgment and Award in respect of the interest is concerned, the same needs modification to bring it in consonance with the above referred decision in *Kailash Shiva Rangari (supra)*.

12. In view of the above discussion, no interference is called for in the enhanced compensation awarded by the learned Reference Court, except the interest part. Hence, the following order is passed.

ORDER

(I) The Appeals are partly allowed to the extent of the interest granted by the learned Reference Court.

(II) The interest be calculated from the date of the passing of the Award under Section 11 of the LA Act.

(III) The Award passed by the learned Reference Court in each Reference stands modified to the extent of interest as above.

(IV) The amount, if any, deposited by the Appellants – State under the Award be permitted to be withdrawn by the Claimants along with interest accrued thereon, if not withdrawn earlier. The same be done after following due process of law.

(V) Decree be drawn up accordingly.

(VI) Record and Proceedings be sent back to the learned Reference Court.

(VII) Pending Civil Applications stand disposed off.

(NEERAJ P. DHOTE, J.)