



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO. 261 OF 2021

Bharat S/o Bhupendra Pawar,
age 35 years, Occ.: Agriculturist
R/o Khandala, Tq. Manora,
District : Washim
Through his power of attorney,
Bhupendra Ramdhan Pawar

} .. Appellant

Versus

- 1) The State of Maharashtra,
through Collector, Washim
(Old District Akola)
- 2) The Land Acquisition Officer, Washim
(Old LAO Akola)
- 3) Executive Engineer, Washim
Division, Tq District Washim

} .. Respondents

Mr. A.B.Mirza, Advocate for appellant.

Mrs.Mukta Kavimandan, AGP for respondent Nos. 1 and 2.

Mr. M.A.Kadu, Advocate for respondent No.3.

CORAM : ABHAY J. MANTRI, J.

DATED : 23/06/2025

ORAL JUDGMENT

Heard finally with the consent of the learned counsel
appearing for the parties.

(2) The appellant aggrieved by the judgment and order dated 22/01/2020 passed by the learned Civil Judge Senior Division, Mangrulpir (hereinafter referred to as '**Reference Court/Court**') in LAC No.02/2019 (Old LAC No.167/1999), whereby the claim of Adjat Tree was partly allowed, has preferred this appeal for the enhancement of compensation.

(3) The appellant/original applicant was the owner and possessor of land Gat No.111 admeasuring 1H 1R of village Dhanora, Taluka Manora, District Washim. (herein after referred to as '**Land**') Vide Notification Under Section 4 of the Land Acquisition Act, 1894,(for short- '**the Act**') the Special Land Acquisition Officer had initiated the land acquisition proceedings bearing LAC No.21/47/1995-1996, and acquired the land. Thereafter, the Land Acquisition Officer passed the Award on 31/03/1999. The Land Acquisition Officer granted compensation at the rate of ₹ 40,000/- per hectare. Being dissatisfied with the same, the appellant had filed a Reference before the learned Reference Court, which was decided on 22/08/2008. Learned Reference Court enhanced the claim in respect of agricultural land, by granting compensation at the rate of ₹ 80,000/- per hectare, but no claim was granted in respect of trees standing on the land. Being aggrieved by the same, the claimant has preferred an appeal bearing No.08/2009 before this Court. This Court partly modified the Award to the extent of

the land in question by granting compensation at the rate of ₹ 1,00,000 per hectare and remanded the matter back to the learned Reference Court for adjudication afresh to determine the compensation in respect of the Adjat trees.

(4) On remand, the learned Reference Court decided the matter afresh on 22/01/2020 and partly allowed the claim in respect of the Adjat trees. Learned Reference Court had directed the respondents to pay compensation of ₹ 26,662/- for 139 Adjat trees standing on the land, based on the valuation report as stated above. Additionally, it provided a 30% solatium, along with other benefits as per the provisions of the Land Acquisition Act, 1894. Being dissatisfied with the same, the appellant has preferred this appeal.

(5) Heard Mr. A.B. Mirza, learned counsel for the appellant, Mrs. Mukta Kavimandan, learned Assistant Government Pleader for respondent Nos. 1 and 2 and Mr. M.A. Kadu, learned counsel appearing for respondent No.3. Perused the impugned judgment and original record. The following point arises for determination.

"(1) Whether any interference is required in the impugned judgment and order ?"

(6) To substantiate the claim of the appellant learned counsel vehemently argued that the learned Reference Court has not

considered the evidence in respect of Adjat tree on record in its proper perspective and erred in discarding to grant compensation of ₹ 1500/- per Adjat tree and therefore, impugned judgment and order is required to be modified.

(7) On the other hand, learned counsel appearing for respondent No.3 submitted that the appellant has not adduced any cogent and reliable evidence to claim an enhanced compensation amount for the trees standing in the field. The learned Reference Court has considered the evidence of the valuer on record and partly enhanced the compensation as referred to above; therefore, no interference is required in it.

(8) It appears that by order dated 24/02/2021, the appeal was '**Admitted**'. It is pertinent to note that on 11/06/2025 during the course of hearing, a query was put to the learned counsel for the appellant to point out what evidence was available on record before the learned Reference Court in respect of the valuation of Adjat trees or on which basis, the appellant is claiming enhancement of compensation for the said Adjat trees, at that time, he sought time to go through the record. Today, when the matter is called upon, he fairly submitted that no evidence is available on record or was adduced by the appellant in that regard. He also failed to point out from the documentary evidence that the appellant is entitled to compensation of ₹ 1500/- for each

Adjat tree.

(9) On perusal of the impugned judgment, it appears that the learned Judge has categorically observed that Land Acquisition Officer did not pay compensation in respect of the Adjat trees. Further, it was observed that no material/evidence was produced by the appellant/original applicant before the Court, pointing out that the valuation of the one Adjat tree was ₹ 1500/-. However, the applicant relied on the valuation report (Exh. 65) regarding the Adjat trees, which was prepared by the forest department. Wherein the valuation of 139 Adjat trees was shown as ₹ 26,662/-. Therefore, the learned Reference Court accepted the same in absence of other cogent evidence/material. Thus, the Court held that the applicant, i.e., the appellant, had failed to adduce any cogent evidence to grant the rate of ₹ 1500/- per Adjat tree as claimed by him. Therefore, based on the valuation report prepared by the Forest Department, as shown in Exh.65, the Court granted total enhanced compensation of ₹ 26,662/- in respect of the said 139 Adjat trees.

(10) Thus, it appears that the learned Reference Court, after considering the material placed before it, has rightly granted compensation. It is pertinent to note that the matter was remanded by this Court only to determine the valuation of said Adjat trees; however, considering the existing evidence on record, the learned Reference

Court had granted compensation of ₹ 26,662/- for 139 Adjat trees.

(11) I have gone through the record and proceedings and also, perused the valuation report prepared by the Forest Department in respect of the 139 Adjat trees (Exh. 65). I found that the learned Reference Court, after considering the material/evidence on record, rightly granted the compensation in respect of 139 Adjat trees. The learned counsel for the appellant failed to point out any perversity or illegality in the impugned judgment and order to interfere in it. On the contrary, it appears that the impugned judgment and order is well-reasoned, just and proper. Hence, I answer the point in negative.

(12) Considering the above discussion, it seems that the appellant failed to demonstrate that he is entitled to the enhance compensation @ ₹ 1500/- for each Adjat tree instead of what has been granted. In such an eventuality, the appellant failed to prove his claim for enhancement of the compensation amount in respect of the Adjat trees. Thus, it appears that the appeal is devoid of any merit; as such, it is dismissed. No order as to costs.

[ABHAY J. MANTRI, J.]