IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
920 FIRST APPEAL NO. 2793 OF 2008

The State Of Maharasthra
VERSUS
Dattu Dhanu Patil

WITH
CIVIL APPLICATION NO. 6447 OF 2005
IN FA/2793/2008

The State Of Mah. & Anr.
VERSUS
Dattu Dhanu Patil

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Mr. A. D. Wange, AGP for State.
Mr. Sachin Bhalerao h/f Mr. A. B. Kale for the Respondent.
Mr. Ajay D. Pawar for the acquiring body.

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 22 OCTOBER 2026

P. C.:

1. As the acquisition proceeding is of the year 1992, the Appeal is heard finally with the consent of learned counsel for the respective parties.

2. By this Appeal, the State is assailing the judgment and award dated 26th February 1999, passed by the learned II Jt. CJSD, Jalgaon in LAR No.1870/1998 whereby the learned Reference Court enhanced the compensation towards the land as well as the fruit bearing trees.

3. The land of the claimant from village Ainpur, Tq. Raver, Dist. Jalgaon was acquired for the rehabilitation of village Ainpur. Notification under

Section 4 of the Land Acquisition Act, 1894 (for short "the Act") came to be published on 27th August 1992, SLAO declared the award on 2nd December 1994 and granted compensation @Rs.22,000/- to Rs.54,000/- per hectare and Rs.1,23,000/- was awarded towards the trees. After accepting the aforesaid amount, claimants sought reference under Section 18 of the Act and claimed higher compensation.

4. The learned Reference Court after considering the sale instance, granted rate of Rs.2,10,000/- per hectare for bagayat land. The said enhancement is slightly more than four times the compensation awarded by the SLAO.

5. In fact the State Government vide Government Resolution No.Sankirna-2014/Prak.Kra.4/Bham-1/A-4 dated 03.11.2016 with Corrigendum dated 23.02.2017 and 13.08.2018 to the said Government Resolution, took a decision not to challenge the reference, if compensation is enhanced only upto four times. Therefore, the First Appeal filed by the State deserves to be dismissed in terms of compensation awarded towards the land.

6. As regards the fruit bearing trees are concerned, before the learned Reference Court, the claimants relied upon private valuer's report at Exh.29. The learned Reference Court has recorded a finding in paragraph 16 that the private valuer has mentioned the exact number of trees as reflected in the SLAO award. Thus, there is no dispute regarding number of trees.

7. Sofar as the issue of enhancement of compensation towards the trees is concerned, the learned Reference Court has awarded compensation @Rs.14,000/- per tree for two mango trees, Rs.4500/- per tree for two ber trees, Rs.4,500/- per tree for 34 excellent category guava trees and Rs.4,000/- per tree for 20 very good category guava trees. Such enhancement does not seem to be excessive or exorbitant, rather the same is supported by private valuer's report filed at Exh.29. Thus, to this extent also, I am not inclined to interfere with the impugned award.

8. Hence, the First Appeal being devoid of merits, stands dismissed.

9. Pending Civil Applications, if any, stand disposed of.

[SIDDHESHWAR S. THOMBRE, J.]