IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 FIRST APPEAL NO. 1079 OF 2017

GMIDC AURANGABAD THROUGH EXECUTIVE ENGINEER NANDED MINOR IRRIGATION DIVN NANDED
*VERSUS*
THE STATE OF MAHRASHTRA AND ORS
...
Advocate for Appellant : Mr. B.R. Surwase
AGP for Respondent/State : Mr. A.D. Wange
Advocate for Respondent 3 : Mr. Y.P. Deshmukh h/f. Mr. P.B. Vikhe-Patil
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
Dated : October 08, 2026

PER COURT :-

1. Heard the learned counsel for the respective parties.

2. The present appeal filed by the acquiring body arises out of the Judgment and Award dated 7.2.2008 passed by the learned Civil Judge, Senior Division, Nanded in LAR No. 130/2003.

3. The land of the claimant admeasuring 57 R. from Gat No. 76 and 94 R. from Gat No. 77 situated at village Somthana, Tq. Bhokar, District Nanded was acquired along with one lemon tree for the purpose of Renapur-Sudha project. 3. The learned counsel for the appellant/acquiring body has tendered across the Bar a copy of the judgment and order dated 22.9.1016 passed by this Court in FA No. 1063/2010 (Gangaram Koetya Vs. The State of Maharashtra and Ors.) with other connected matters. He submits that the lands of the claimant in the present case were acquired from the same village, for the same public purpose, and though under different notification u/s. 4 of the Act as involved in FA No. 1063/2010

(supra). It is, therefore, contended that the controversy involved in the present appeal is squarely covered by the judgment and order passed by this Court in FA No. 1063/2010 (supra), and consequently, the present appeal deserves to be disposed of in terms thereof. The learned A.G.P. appearing for the State and the learned counsel appearing for the respondent/original claimant fairly concede the aforesaid position.

5. Having considered the submissions advanced by the learned counsel for the respective parties, and in view of the admitted position that the controversy involved in the present appeal is identical to the one decided by this Court in FA No. 1063/2010 (supra), I see no reason to take a different view. In the aforesaid case, this court has reduced the enhancement granted towards number of trees. In the present matter also there was only one lemon tree acquired and learned reference court has granted compensation towards that tree. In view of the above, the present appeal, therefore, deserves to be disposed of in terms of the said judgment and order. Hence, the following order:

**O R D E R**

(1) The appeal filed by the acquiring body is partly allowed.

(2) The impugned judgment and award is modified and the claimants are entitled to receive the rate enhanced by the reference court towards the number of tree mentioned by the SLAO and the award to the extent of number of tree mentioned by the reference court is quashed and set aside.

(3) The claimant shall redeposit additional compensation, if any, received by them towards one lemon tree along with interest accrued thereon within a period of ten weeks from today after adjusting the amount received by

them towards acquired lands.

(4) The claimants are entitled to receive interest and other statutory benefits under section 28 and 34 of the Act, as the case may be, strictly in view of the law laid down by the Full Bench of this Court in the case of **State of Maharashtra vs. Kailas Shiva Rangari, 2016 (4) Mh.L.J. 457**.

(5) Claimant is permitted to withdraw the amount along with accrued interest thereon, if any, deposited by the acquiring body in view of the law laid down by the Full Bench of this Court in case of **State of Maharashtra vs. Kailas Shiva Rangari (supra)**.

(6) Rest of the award is maintained.

(7) The modified Awards be drawn accordingly.

(8) Pending Civil Applications, if any, stand disposed of.

**( SIDDHESHWAR S. THOMBRE, J. )**

ssc/