"Corrected copy"
Corrections have been carried out in view of speaking to minutes order dated 07.03.2026

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 1328 OF 2024

Geetabai Eknath Salunke
Since deceased through her L.Rs.
Gayabai @ Leelabai Popatro Gaikwad
and another .. **Appellants**

Versus

The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another ..**Respondents**

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar, Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne, Advocate for the Appellants.
Shri N. D. Raje, A.G.P. for the Respondent No. 1.
Shri Rahul A. Tambe, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 1329 OF 2024

Tukaram Sakharam
Since deceased through his L.Rs.
Walmik Tukaram Bornare .. Appellant

Versus

The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another .. Respondents

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar, Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne, Advocate for the Appellants.
Shri S. N. Morampalle, A.G.P. for the Respondent No. 1.
Shri Rahul A. Tambe, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 1330 OF 2024

Pandurang Devrao Shete .. Appellant
Versus
The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another .. Respondents

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar, Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne, Advocate for the Appellants.
Shri S. V. Hange, A.G.P. for the Respondent No. 1.
Shri Rahul A. Tambe, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 1331 OF 2024

Kamlabai Rakhibdas Sancheti .. Appellant
Versus
The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another .. Respondents

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar, Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne, Advocate for the Appellants.
Shri N. D. Raje, A.G.P. for the Respondent No. 1.
Mrs. Sarita Gaiikwad, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 1332 OF 2024

Nivrutti Govind Salunke
Since deceased through his L.Rs.
Balu Nivrutti Salunke and others .. Appellants
Versus
The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur

and another .. Respondents

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar, Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne, Advocate for the Appellants.
Shri S. N. Morampalle, A.G.P. for the Respondent No. 1.
Shri Rahul A. Tambe, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 1333 OF 2024

Popat Dhupaji Bhosale .. Appellant
Versus
The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another .. Respondents

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar, Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne, Advocate for the Appellants.
Shri S. V. Hange, A.G.P. for the Respondent No. 1.
Shri Rahul A. Tambe, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 1359 OF 2024

Kachru Rakmaji Bhosale .. Appellant
Versus
The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another .. Respondents

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar, Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne, Advocate for the Appellants.
Shri N. D. Raje, A.G.P. for the Respondent No. 1.
Shri Rahul A. Tambe, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 1361 OF 2024

Sakhahri Bhavani
Since deceased through his L.Rs.
Radhabai S. Salunke died through
L.Rs. Valmik Sakhahari Salunke
and another .. Appellants

Versus

The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another .. Respondents

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar, Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne, Advocate for the Appellants.
Shri S. N. Morampalle, A.G.P. for the Respondent No. 1.
Shri B. V. Virdhe, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 1362 OF 2024

Raghunath Gopinath
Since deceased through his L.Rs.
Dattu Raghunath Shete and others .. Appellants

Versus

The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another .. Respondents

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar, Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne, Advocate for the Appellants.
Shri S. V. Hange, A.G.P. for the Respondent No. 1.
Shri B. V. Virdhe, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 1367 OF 2024

Udhamsingh Jaywantsingh
Since deceased through his L.Rs.
Gokulsingh Udhamsing died through

L.Rs. Jaya G. Rajput and others .. Appellants
Versus
The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another .. Respondents

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar, Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne, Advocate for the Appellants.
Shri N. D. Raje, A.G.P. for the Respondent No. 1.
Shri Rahul A. Tambe, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 1368 OF 2024

Shivaji Pandurang Bhosale and another .. Appellants
Versus
The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another .. Respondents

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar, Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne, Advocate for the Appellants.
Shri S. N. Morampalle, A.G.P. for the Respondent No. 1.
Shri Rahul A. Tambe, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 1369 OF 2024

Jagannath Shamrao
Since deceased through his L.Rs.
Zumbarabai Jagannath Salunke
and others .. Appellants
Versus
The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another .. Respondents

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar,

Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne,
Advocate for the Appellants.
Shri S. V. Hange, A.G.P. for the Respondent No. 1.
Shri B. V. Virdhe, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 1370 OF 2024

Gopal Bhika Salunke
Since deceased through his L.Rs.
Karbhari Gopal Salunke .. Appellant
Versus
The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another .. Respondents

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar,
Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne,
Advocate for the Appellants.
Shri N. D. Raje, A.G.P. for the Respondent No. 1.
Shri Rahul A. Tambe, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 2590 OF 2024

Dwarkadas Maniklal
Since deceased through his L.Rs.
Tulsidas Dwarkadas Ashar and others .. Appellants
Versus
The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another .. Respondents

Shri Yogesh D. Kale, Advocate for the Appellants.
Shri S. N. Morampalle, A.G.P. for the Respondent No. 1.
Shri Rahul A. Tambe, Advocate for the Respondent No. 2.

AND
FIRST APPEAL NO. 2873 OF 2024

Govind Narayan Bhosale
Since deceased through his L.Rs.
Bhagirathibai Govind Bhosale and others.. Appellants

Versus

The Sub Divisional Officer cum
Land Acquisition Officer, Vaijapur
and another .. Respondents

Shri Anand P. Bhandari, Advocate a/w Shri Akash Nahar, Rushikesh Lone, Rushikesh Totla, i/by Shri S. S. Karanne, Advocate for the Appellants.
Shri S. V. Hange, A.G.P. for the Respondent No. 1.
Mrs. Sarita Gaikwad, Advocate for the Respondent No. 2.

CORAM : SHAILESH P. BRAHME, J.

CLOSED FOR ORDER ON : 03.02.2026
ORDER PRONOUNCED ON : 27.02.2026

FINAL ORDER :

. Taken up for final disposal with the consent of the parties.

2. This Court is called upon to answer following issues.

(i) Whether the claimants are entitled to receive the compensation exceeding the compensation awarded by the Court relying upon which the recourse is taken to Sec. 28-A of the Land Acquisition Act ?

(ii) Whether the claimant taking recourse to redetermination U/Sec. 28-A of the Land Acquisition Act is entitled to receive compensation for factors other

than land viz trees, structure, pipeline which were not subject matter of the compensation awarded by the Reference Court upon which reliance is sought for ?

3. These appeals are preferred for enhancement of the compensation by challenging judgment and award passed by the Reference Court in the respective references. They are emanating from proceedings U/Sec. 28-A of the Land Acquisition Act (for the sake of brevity and convenience hereinafter referred to as Act). The location of the lands, area under acquisition, the dates for notifications and the purpose for acquisition are not in dispute.

4. In all the matters appellants are claiming that the lands be treated as irrigated lands, whereas, the Special Land Acquisition Officer and the Reference Court treated them as dry lands. Appeals are classified into following four groups considering the nature of the challenge and enhancement.

Group I : Enhancement due to change in classification from dry land to irrigated land.

Group II : Enhancement due to additional compensation for trees, wells and structures.

5. In all the appeals the notification U/Sec. 4 Act was issued on 03.12.1986 and award was passed on 22.11.1990, which are common. The rate of Rs. 370/- per R was offered. No compensation was awarded for well, structure or the fruit bearing trees existing in the acquired lands. Appellants did

not prefer to challenge the rates offered by the S. L. A. O. by resorting to Sec. 18 Act.

6. Arising out of self same notification and award referred above, L. A. R. No. 10 of 2013 (Old L. A. R. No. 396 of 1993) was preferred by Hiralal Kishansingh Rajput. The Reference Court in that matter fixed the rate of Rs. 1,500/- per R for dry land and Rs. 2,250/- per R for seasonal irrigated land vide judgment dated 25.06.2015. The land was treated to be dry land. It was not having trees, wells and the structures. The rates awarded by above referred judgments are treated to be foundation for the appellants to approach the Collector U/Sec. 28-A Act, which is referred to "Foundational Award" hereafter.

7. The appellants approached the S. L. A. O. U/Sec. 28-A and claimed compensation more than the rate fixed in the Foundational Award. The compensation for well, structure and the trees are also claimed. The Collector considering the Foundational Award fixed the rate within the range of Rs. 1,414/- to 1,715/- per R, treating all lands as dry lands. The claim for wells, structure and trees have been denied. Such award was passed on 11.09.2018.

8. Appellants preferred to go before the Reference Court being unsatisfied by the rates fixed by the Collector by resorting to Sec. 28-A(3). The Reference Court dismissed their claim by the impugned judgment holding that the appellants

are not entitled to claim anything exceeding the rate fixed by the Foundational Award.

9. Learned counsel Mr. Anand Bhandari appearing for the appellants submits that the appellants are not only entitled to enhancement exceeding the rates fixed in the Foundational Award, but also entitled to separate compensation for wells, structure and trees. It is submitted that award passed U/Sec. 28-A is at par with the award U/Sec. 18 and redetermination would encompass enhancement on all counts. It is further submitted that literal and purposive interpretation need to be adopted for granting enhancement to the appellants on account of classification of land as well as compensation for the objects other than the land. It is submitted that the legislature has not imposed any restriction for conducting redetermination U/Sec. 28-A. The Reference Court has adopted a conservative approach in denying the enhancement by restricting the inquiry to the extent of market value fixed by Foundational Award. It is further submitted that Sec. 28-A(3) permits the Court to apply Sections 18 to 28 for determining appropriate compensation and the inquiry cannot be restricted to the extent of market value only.

10. Mr. Bhandari would submit that the Reference Court committed error of jurisdiction in misinterpreting the law laid down by the Supreme Court in the matter of V. Ramkrushna Rao Vs. The Singareni Colleries Co. Ltd. and others reported in *(2010) 10 SCC*

650. It is submitted that in all the appeals tangible material is placed on record to show that lands are irrigated, which is overlooked by the Reference Court. The valuation reports produced on record are admissible in evidence, which would support claim of enhancement of the compensation. It is submitted that Reference Court arbitrarily denied the legitimate benefits to the appellants.

11. Mr. Rahul Tambe, learned counsel for the acquiring body vehemently submits that the redetermination of the compensation under Section 28-A does not mean re-opening of everything. It is not an appeal against award of the S.L.A.O. passed under Section 11 or judgment and award of the Court under Section 18 of the Act. He would submit that the purport of Section 28-A is very limited to remove the discrepancy for those persons who could not prefer reference or appeal against the price offered by S.L.A.O. and to bring them at part with the similarly situated persons getting benefit of enhancement. It is submitted that Supreme Court in the matter of V. Ramkrishnarao Vs. The Singareni Colliries Co. Ltd. and others reported in *(2010) 10 SCC 650* in its paragraph No. 15 has imposed restrictions which are rightly followed in the impugned judgment. It is further submitted that if Section 28-A is interpreted in permitting the land owners to have enhancement for everything and for claiming more amount than the Foundational Award then that would be against the very intention of the legislation.

12. Mr. Virdhe, learned counsel for the acquiring body in few of the appeals would submit that Section 28-A restricts inquiry to the extent of determination of the compensation on the basis of Foundational Award and any determination regarding change of classification of the land is impermissible. It is vehemently submitted that it would be abuse of power to claim compensation for trees, well and structure under Section 28-A which was not subject matter of Foundational Award.

13. Ms. Gaikwad appearing for the respondent/acquiring body adopts the submissions of Mr. Tambe and Mr. Virdhe.

14. Before I proceed to analyze the submissions of the parties in the wake of the provisions of law and various judgments cited at the bar, it would be proper to note the provision of redetermination of the compensation under the Act which is as follows :

THE LAND ACQUISITION ACT, 1894

1. ….
2. ….

[**28-A. Re-determination of the amount of compensation on the basis of the award of the Court. -** (1) where in an award under this part, the court allows to the applicant any amount of compensation in excess of the amount awarded by the collector under section 11, the persons interested in all the other land covered by the same notification under section 4, sub-section (1) and who are also aggrieved by the award of the Collector

> may, notwithstanding that they had not made an application to the Collector under section 18, by written application to the Collector within three months from the date of the award of the Court require that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the court:
>
> Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.
>
> (2) The Collector shall, on receipt of an application under sub-section (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard, and make an award determining the amount of compensation payable to the applicants.
>
> (3) Any person who has not accepted the award under sub-section (2) may, by written application to the Collector, required that the matter be referred by the Collector for the determination of the Court and the provisions of sections 18 to 28 shall, so far as may be, apply to such reference as they apply to a reference under section 18.]

15. The legislature has employed words "redetermination" and "compensation" in Sec. 28-A of Act. These words carry specific meaning and purport. The rates in the Foundational Award is treated to be additional evidence to have the compensation redetermined U/Sec. 28-A(1). The Collector has to apply mind to the facts of the case and adjudicate afresh. The word compensation is referable to Sec. 23. The constituent factors of the compensation are enumerated in Sec. 23. One of vital components is market value of the land

prevalent at the date of publication of the notification U/Sec. 4(1) of the Act. The word market value has not been used in the section concerned. It is not the intention of the legislature to provide market value to the inarticulate and poor land owner who is unable to approach the Reference Court, when he takes recourse for redetermination of the compensation U/Sec. 28-A.

16. The difference between the market value and the compensation is dealt with by three Judges Bench in the matter of Union of India Vs. Shri Ram Mehar and another reported in *AIR 1973 SC 305*.

17. I do not find that any restrictions can be read in the powers exercisable by the Collector U/Sec. 28-A(1) or by the Court U/Sec. 28-A(3) of the Act so as to restrict the compensation to the rate of Foundational Award. For that purpose it is necessary to look into the object and intention of the legislature. It would be profitable to refer to the judgment of Three Judges Bench of the Supreme Court in the matter of Union of India Vs. Pradeep Kumari and others reported in *(1995) 2 SCC 736*. In that case the issue before the Apex Court was in respect of computation of period of three months for making application U/Sec. 28-A and as to whether the first award after coming into force of Sec. 28-A or any subsequent award can be read into Sec. 28-A. It is relevant to reproduce the following paragraphs.

8. We may, at the outset, state that having regard to the Statement of Objects and Reasons, referred to earlier, the object underlying the enactment of Section 28-A is to remove inequality in the payment of compensation for same or similar quality of land arising on account of inarticulate and poor people not being able to take advantage of the right of reference to the civil court under Section 18 of the Act. This is sought to be achieved by providing an opportunity to all aggrieved parties whose land is covered by the same notification to seek redetermination once any of them has obtained orders for payment of higher compensation from the reference court under Section 18 of the Act. Section 28-A is, therefore, in the nature of a beneficent provision intended to remove inequality and to give relief to the inarticulate and poor people who are not able to take advantage of right of reference to the civil court under Section 18 of the Act. In relation to beneficent legislation, the law is well-settled that while construing the provisions of such a legislation the court should adopt a construction which advances the policy of the legislation to extend the benefit rather than a construction which has the effect of curtailing the benefit conferred by it. The provisions of Section 28-A should, therefore, be construed keeping in view the object underlying the said provision.

9. A perusal of the provisions contained in sub-section (1) of Section 28-A of the Act would show that after an award is made under Part III whereby the court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under Section 11, a right accrues to a person interested in the other land covered by the same notification under sub-section (1) of Section 4 who is also aggrieved by the award of the Collector but who had not made an application to the Collector under Section 18, to move an application before the Collector for redetermination of the amount of compensation payable to him on the basis of the amount of compensation awarded by the court. This application for redetermination of the compensation is required to be made within three months from the date of the award of the court. The right to make the application under Section 28-A arises from the award of the court on the basis of which the person making the application is seeking redetermination of the

compensation. There is nothing in sub-section (1) of Section 28-A to indicate that this right is confined in respect of the earliest award that is made by the court after the coming into force of Section 28-A. By construing the expression "where in an award under this Part" in sub-section (1) of Section 28-A to mean "where in the first award made by the court under this Part", the word 'first', which is not found in sub-section (1) of Section 28-A, is being read therein and thereby the amplitude of the said provision is being curtailed so as to restrict the benefit conferred by it. In the matter of construction of a beneficent provision it is not permissible by judicial interpretation to read words which are not there and thereby restrict the scope of the said provision. (See : *Jnan Ranjan Sen Gupta* v. *Arun Kumar Bose*.)

10. It is possible to visualise a situation where in the first award that is made by the court after the coming into force of Section 28-A the enhancement in the amount of compensation by the said award is not very significant for the reason that the person who sought the reference was not able to produce adequate evidence in support of his claim and in another reference where the award was made by the court subsequently such evidence is produced before the court and a much higher amount is awarded as compensation in the said award. By restricting the benefit of Section 28-A to the first award that is made by the court after the coming into force of Section 28-A the benefit of higher amount of compensation on the basis of the subsequent award made by the court would be denied to the persons invoking Section 28-A and the benefit of the said provision would be confined to redetermination of compensation on the basis of lesser amount of compensation awarded under the first award that is made after the coming into force of Section 28-A. There is nothing in the wordings of Section 28-A to indicate that the legislature intended to confer such a limited benefit under Section 28-A. Similarly, there may be a situation, as in the present case, where the notification under Section 4(1) of the Act covers lands falling in different villages and a number of references at the instance of persons having lands in different villages were pending in the court on the date of coming into force of Section 28-A and awards in those references are made by the court on different dates. A person who is entitled to apply under Section 28-A belonging to a particular village may come to know of the first

award that is made by the court after the coming into force of Section 28-A in a reference at the instance of a person belonging to another village, after the expiry of the period of three months from the date of the said award but he may come to know of the subsequent award that is made by the court in the reference at the instance of a person belonging to the same village before the expiry of the period of three months from the date of the said award. This is more likely to happen in the cases of inarticulate and poor people who cannot be expected to keep track of all the references that were pending in court on the date of coming into force of Section 28-A and may not be in a position to know, in time, about the first award that is made by the court after the coming into force of Section 28-A. By holding that the award referred to in Section 28-A(1) is the first award made after the coming into force of Section 28-A, such persons would be deprived of the benefit extended by Section 28-A. Such a construction would thus result in perpetuating the inequality in the payment of compensation which the legislature wanted to remove by enacting Section 28-A. The object underlying Section 28-A would be better achieved by giving the expression "an award" in Section 28-A its natural meaning as meaning the award that is made by the court in Part III of the Act after the coming into force of Section 28-A. If the said expression in Section 28-A(1) is thus construed, a person would be able to seek redetermination of the amount of compensation payable to him provided the following conditions are satisfied:

(*i*) An award has been made by the court under Part III after the coming into force of Section 28-A;

(*ii*) By the said award the amount of compensation in excess of the amount awarded by the Collector under Section 11 has been allowed to the applicant in that reference;

(*iii*) The person moving the application under Section 28-A is interested in other land covered by the same notification under Section 4(1) to which the said award relates;

(*iv*) The person moving the application did not make an application to the Collector under Section 18;

(*v*) The application is moved within three months from the date of the award on the basis of which the redetermination of

amount of compensation is sought; and

(*vi*) Only one application can be moved under Section 28-A for redetermination of compensation by an applicant.

18. Another issue dealt in the same matter was applicability of interest payable U/Sec. 28 to the compensation redetermined U/Sec. 28-A. In that context following observations are recorded.

> **14.** Shri Goswamy has next contended that while redetermining the amount of compensation under Section 28-A it is not permissible for the Collector to award interest on the additional amount of compensation awarded by him for the reason that under Section 28 of the Act only the court can direct payment of interest on the excess amount awarded as compensation and no such power is conferred on the Collector and, therefore, interest cannot be awarded by the Collector on the additional amount of compensation determined under Section 28-A. It is no doubt true that under Section 28 only the court can direct payment of interest on the excess amount awarded as compensation and the Collector is not competent to award interest on the additional amount of compensation under the said provision. But sub-section (2) of Section 28-A provides that after an application has been submitted under sub-section (1) of Section 28-A the Collector after conducting an inquiry makes an award determining the amount of compensation payable to the applicants and under sub-section (3) of Section 28-A any person who has not accepted the award under sub-section (2) may move the Collector requiring that the matter be referred for determination to the court and the provisions of Sections 18 to 28 have been made applicable to such reference. This would show that after an application has been submitted under Section 28-A(1) for redetermination of the amount of compensation the process of such redetermination results in making of an award by the Collector and a person not accepting the said award can move the Collector to refer the matter to the court for determination and such reference is governed by Sections 18 to 28. If that is so, Section 34 of the Act

> would be applicable to the award that is made by the Collector under sub-section (2) of Section 28-A and it would be permissible for him to award interest under Section 34 on the additional amount of compensation awarded by him. The second contention urged by Shri Goswamy is, therefore, rejected.

It is clear from the above decision that Sec. 28-A is beneficial legislation and its purport would be to remove the discrepancy and to bring inarticulate and poor litigant at par with the land owner getting reasonable compensation who is covered by the same notification. The Apex Court in clear words held that the words first award cannot be read into Sec. 28-A of the Act. In the present matter also learned counsel Mr. Anand Bhandari is urging that no fetters can be read to the powers of redetermination given to the Collector or the Court U/Sec. 28-A.

19. As the interpretation of Sec. 28-A has fallen for consideration, it is useful to refer to the Five Judges Bench of the Supreme Court in matter of **Union of India Vs. Hansoli Devi and others** reported in ***(2002) 7 SCC 273***. The Bench was considering two questions and out of them following are the most relevant :

> "1. (a) Whether dismissal of an application seeking reference under Section 18 on the ground of delay amounts to " not filing an application" within the meaning of Section 28-A of the Land Acquisition Act, 1894?
>
> (b) Whether a person whose application under Section 18 of the Land Acquisition Act, 1894 is dismissed on the ground of delay or any other technical ground is entitled to maintain an application under Section 28-A of the Land Acquisition Act?"

20. The Apex Court dealt with the principles of interpretation in the following manner :

> **4.** Before we embark upon an inquiry as to what would be the correct interpretation of Section 28-A, we think it appropriate to bear in mind certain basic principles of interpretation of statute. The rule stated by Tindal, CJ in Sussex Peerage case, (1844) 11 Cl & F.85, still holds the field. The aforesaid rule is to the effect:
>
> > "If the words of the statute are in themselves precise and unambiguous, then no more can be necessary than to expound those words in their natural and ordinary sense. The words themselves do alone in such cases best declare the intent of the lawgiver."
>
> It is a cardinal principle of construction of statute that when language of the statute is plain and unambiguous, then the court must give effect to the words used in the statute and it would not be open to the courts to adopt a hypothetical construction on the ground that such construction is more consistent with the alleged object and policy of the Act.
>
> In Kirkness v. John Hudson & Co. Ltd, [1955] 2 All ER 345, Lord Reid pointed out as to what is the meaning of "ambiguous' and held that "provision is not ambiguous merely because it contains a word which in different context is capable of different meanings and it would be hard to find anywhere a sentence of any length which does not contain such a word. A provision is, in my judgment, ambiguous only if it contains a word or phrase which in that particular context is capable of having more than one meaning." It is no doubt true that if on going through the plain meaning of the language of statutes, it leads to anomalies, injustices and absurdities, then the court may look into the purpose for which the statute has been brought and would try to give a meaning, which would adhere to the purpose of the statute. Patanjali Sastri, CJ in the case of Aswini Kumar Ghose v. Arabinda Bose, [1953] SCR 1, had held that it is not a sound principle of construction to brush aside words in a statute as being inapposite surplusage, if they can have appropriate application in circumstances conceivably within the

contemplation of the statute. In Quebec Railway, Light Heat and Power Co. v. Vandray, AIR (1920) PC 181, it had been observed that the Legislature is deemed not to waste its words or to say anything in vain and a construction which attributes redundancy to the legislature will not be accepted except for compelling reasons. Similarly, it is not permissible to add words to a statute which are not there unless on a literal construction being given a part of the statute becomes meaningless. But before any words are read to repair an omission in the Act, it should be possible to state with certainty that these words would have been inserted by the draftsman and approved by the legislature had their attention been drawn to the omission before the Bill had passed into a law. At times, the intention of the legislature is found to be clear but the unskilfulness of the draftsman in introducing certain words in the statute results in apparent ineffectiveness of the language and in such a situation, it may be permissible for the court to reject the surplus words, so as to make the statute effective. Bearing in mind the aforesaid principle, let us now examine the provisions of the Section 28-A of the Act, to answer the questions referred to us by the Bench of the two learned Judges. It is no doubt true that the object of Section 28-A of the Act was to confer a right of making a reference, who might have not made a reference earlier under Section 18 and, therefore, ordinarily when a person makes a reference under Section 18 but that was dismissed on the ground of delay, he would not get the right of Section 28-A of the Land Acquisition Act when some other person makes a reference and the reference is answered. But the Parliament having enacted Section 28-A, as a beneficial provision, it would cause great injustice if a literal interpretation is given to the expression "had not made an application to the Collector under Section 18" in Section 28-A of the Act. The aforesaid expression would mean that if the land-owner has made an application for reference under Section 18 and that reference is entertained and answered. In other words, it may not be permissible for a land owner to make a reference and get it answered and then subsequently make another application when some other person gets the reference answered and obtains a higher amount. In fact in Pradeep Kumari’s case the three learned Judges, while enumerating the conditions to be satisfied, whereafter an application under Section 28-A can be moved, had categorically stated -"the person moving the application did not make an

> application to the Collector under Section 18". The expression "did not make an application", as observed by this Court, would mean, did not make an effective application which had been entertained by making the reference and the reference was answered. When an application under Section 18 is not entertained on the ground of limitation, the same not fructifying into any reference, then that would not tantamount to an effective application and consequently the rights of such applicant emanating from some other reference being answered to move an application under Section 28-A cannot be denied. We, accordingly answer question No. l(a) by holding that the dismissal of an application seeking reference under Section 18 on the ground of delay would tantamount to not filing an application within the meaning of Section 28-A of the Land Acquisition Act, 1894.

21. Thus in the above judgment it is made clear by the Apex Court that if the language of the statute is plain and unambiguous then the Court must give effect to the words used in the statute and it would not be open to the Courts to adopt a hypothetical construction on the ground that such a construction is more consistent with the alleged object and policy of the Act. The purposive interpretation needs to be adopted. It is profitable to refer to the judgment of the Supreme Court in Utkal Contractors & Joinery Pvt. Ltd. and others, etc. Vs. State of Orissa and others reported *AIR 1987 SC 1454* to highlight the cardinal principle that the legislature does not use the words unnecessarily. Following are the relevant observations.

> "09. In considering the rival submissions of the learned counsel and in defining and construing the area and the content of the Act and its provisions, it is necessary to make certain general observations regarding the interpretation of statutes. A statute is best understood if we know the reason for it. The reason for a statute is the safest guide to its interpretation. The words of a

> statute take their colour from the reason for it. How do we discover the reason for a statute? There are external and internal aids. The external aids are Statement of Objects and Reasons when the Bill is presented to Parliament, the reports of Committees which preceded the Bill and the reports of Parliamentary Committees. Occasional excursions into the debates of Parliament are permitted. Internal aids are the preamble, the scheme and the provisions of the Act. Having discovered the reason for the statute and so having set the sail to the wind, the interpreter may proceed ahead. No provision in the statute and no word of the statute may be construed in isolation. Every provision and every word must be looked at generally before any provision or word is attempted to be construed. The setting and the pattern are important. It is again important to remember that Parliament does not waste its breath unnecessarily. Just as Parliament is not expected to use unnecessary expressions, Parliament is also not expected to express itself unnecessarily. Even as Parliament does not use any word without meaning something, Parliament does not legislate where no legislation is called for. Parliament cannot be assumed to legislate for the sake of legislation, nor can it be assumed to make pointless legislation. Parliament does not indulge in legislation merely to state what it is unnecessary to state or to do what is already validly done. Parliament may not be assumed to legislate unnecessarily. Again, while the words of an enactment are important, the context is no less important. For instance, "the fact that general words are used in a statute is not in itself a conclusive reason why every case falling literally within them should be governed by that statute, and the context of any Act may well indicate that wide or general words should be given a restrictive meaning" (See Halsbury, 4th Edn. Vol. 44 para 874).”

22. Mr. Anand Bhandari learned advocate has relied on the judgment of **Banwari and others Vs. Haryana State Industrial and Infrastructure Development Corporation Ltd. and others** reported in ***AIROnline 2024 SC 841,*** in which *inter alia* reliance is placed upon the ratio of **Union of India Vs. Pradeep Kumari and others** (supra). Following is the relevant paragraph of **Banwari**.

> **24.** As already discussed hereinabove, the provisions of Section 28-A(1) of the 1894 Act have been elaborately considered by a three Judges Bench of this Court in the case of Pradeep Kumari and Others (supra). In the said case, it has been held that the Statement of Objects and Reasons of Section 28-A would reveal that the object underlying the enactment of the said provision is to remove inequality in the payment of compensation for same or similar quality of land. It has been held that the said provision is for giving benefit to inarticulate and poor people not being able to take advantage of the right of reference to the civil court under Section 18 of the Act. It has been held that this is sought to be achieved by providing an opportunity to all aggrieved parties whose land is covered by the same notification to seek redetermination once any of them has obtained orders for payment of higher compensation from the reference court under Section 18 of the Act. The same benefit would be available to the other landholders under Section 28-A. It has been held that Section 28-A being a beneficent legislation enacted in order to give relief to the inarticulate and poor people, the principle of interpretation which would be required to be adopted is the one which advances the policy of the legislation to extend the benefit rather than a construction which has the effect of curtailing the benefit conferred by it.

23. While upholding the legislative intent and interpreting Sec. 28-A, the Supreme Court reiterated that Sec. 28-A is a beneficial legislation and the principles of interpretation which would be required to be adopted is the one which advances the policy of the legislation to extend the benefit rather the construction which has the effect of curtailing benefit.

24. Further reliance is placed on the judgment of the Bombay High Court in the matter of **Maharashtra Krishna Valley Development Corporation Solapur Vs. The State of Maharashtra** reported in ***AIR 2014 Bombay 74*** following are the relevant extracts :

11. The object of 28-A seems to be to help a person interested, who for the various reasons was unable to file an application for Reference under Section 18 of the said Act. The object seems to be to pay the compensation to the person interested to which in law he was entitled by way of an award under Section 11 of the said Act. The object is to pay compensation to him to which he was legitimately entitled to on the date of passing an award under Section 11 of the said Act. If Sub Sections (2) and (3) of Section 28-A are read together, it appears that an Award under Sub section (2) is on par with an Award under Section 11 of the said Act in so far as the provisions of reference under Section 18 of the said Act are concerned. Once an Award under Sub-section (2) of Section 28A is made, it replaces an Award under Section 11 for all purposes as it becomes an offer of the Appropriate Government.

12. Thus, Award made by the Collector under subsection 2 of section 28-A of the said Act is on par with the Award made under section 11 of the said Act in as much as the offer made by the original Award under section 11 of the said Act in relation to a person interested who makes an application under sub-section 1 of section 28-A is substituted by an Award made under sub-section 2 of section 28-A. The effect of making an award under sub-section 2 of section 28-A offering additional compensation is that the Appropriate Government accepts that the compensation offered by the Award under section 11 was not adequate. Under sub-section 3 of section 28-A, a remedy is provided to a person who has not accepted the Award under sub-section 2 of section 28-A to apply for a reference to the Court. Once such application is made, for all purposes, it becomes an application under sub-section (1) of section 18 of the said Act and it will be governed by the provisions of sections 18 to 28 of the said Act. For all purposes including for the purpose of a reference under section 18, an under subsection 2 of section 28-A granting enhancement becomes an Award under section 11. The submission of the learned AGP as well as the learned counsel for the petitioner was that sub-section 1 of section 28- A does not make a specific reference to the Award made on a reference under sub-section 3 of section 28-A. In fact, sub-section 1 of section 28-A provides that "Where in an award under this Part, the Court allows to the applicant any amount of compensation

> in excess of the amount awarded by the Collector under Section 11", a person aggrieved may apply for redetermination of compensation. Sub-section 1 applies when the Award of the Court allows the applicant any amount of compensation in excess of the amount awarded by the Collector by an Award under section 11 of the said Act. The Award made on a reference under sub-section 3 of section 28-A of the said Act will be an Award of the Court under part III which is specifically referred to in subsection 1 of section 28-A of the said Act. Thus, when such Award of the Court allows an amount in excess of the amount provided in the Award under section 11, an application under sub-section 1 of section 28 will lie. Thus, an application will lie under said sub-section even on the basis of the Award made by the Court on a reference made in accordance with sub-section 3 of section 28-A of the said Act. Therefore, the first submission made by the learned counsel for the petitioner has no merit.

25. My attention is also adverted to Sub Sec. 3 of Sec. 28-A, which stipulates that for the determination of the compensation the provisions of Sec. 18 to 28 of Act are made applicable. Section 23 provides for various factors on the basis of which compensation would be determined. There is no difference between the award U/Sec. 11 and award U/Sec. 28-A(1) as well as award of the Court U/Sec. 18 and that of U/Sec. 28-A(3).

26. The learned counsel Mr. Bhandari as well as learned advocate Mr. Tambe appearing for the respondent have adverted my attention to the judgment of the Supreme Court in the matter of V. Ramkrishnarao Vs. The Singareni Colliries Co. Ltd. and others (supra). The precise issue as to whether the Collector or the Court U/Sec. 28-A of the Act is empowered to grant

compensation exceeding the compensation awarded in Foundational Award was not fallen for determination directly. The following observations are made by the Apex Court :

> 11. If sub-section (3) of Section 28A is interpreted keeping in view the object sought to be achieved by enacting the provision for removing inequality in the matter of payment of compensation, it must be held that a person who is not satisfied with an award made under Section 28A(2) can make an application to the Collector under Section 28A(3) for making a reference to the Court as defined in Section 3(d) of the Act and this right cannot be frustrated merely because as a result of re-determination made under Section 28A(2) read with Section 28A(1) the applicant becomes entitled to receive compensation at par with other land owners. There is nothing in the plain language of Section 28A(3) from which it can be inferred that a person who has not accepted the award made under Section 28A(2) is precluded from making an application to the Collector with the request to refer the matter to the Court. Of course, the Court to which reference is made under Section 28A(3) will have to bear in mind that a person who has not sought reference under Section 18 cannot get compensation higher than the one payable to those who had sought reference under that section.

27. Learned advocate Mr. Rahul Tambe has placed reliance on the judgment of the Supreme Court in the matter of **Union of India Vs. Munsiram (Dead) by L.Rs. and others** reported in ***(2006) 4 SCC 538*** for the following proposition.

> **9.** We hold that under Section 28A of the Act, the compensation payable to the applicants is the same which is finally payable to those claimants who sought reference under Section 18 of the Act. In case of reduction of compensation by superior courts, the applicants under Section 28A may be directed to refund the excess amount received by them in the light of reduced compensation finally awarded.

28. Further reliance is placed on the judgment of the Supreme Court in the matter of **Kendriya Karmachari Sehkari Grah Nirman Samiti Ltd. Noida Vs. State of Uttar Pradesh and another** reported in *(2009) 1 SCC 754* and following are the relevant observations.

> **40.** It is true that once Reference Court decides the matter and enhances the compensation, a person who is otherwise eligible to similar relief and who has not sought Reference, may apply under Section 28A of the Act. If the conditions for application of the said provision have been complied with, such person would be entitled to the same relief which has been granted to other persons seeking Reference and getting enhanced compensation. But, it is equally true that if Reference Court decides the matter and the State or acquiring body challenges such enhanced amount of compensation and the matter is pending either before the High Court or before this Court (Supreme Court), the Collector would be within his power or authority to keep the application under Section 28A of the Act pending till the matter is finally decided by the High Court or the Supreme Court as the case may be. The reason being that the decision rendered by the Reference Court enhancing compensation has not attained 'finality' and is sub judice before a superior Court. It is, in the light of the said circumstance that the State of U.P. issued two Government orders on January 14, 1994 and June 13, 2001.

29. Both of the judgments would not answer the point raised in the present petition as to whether there is any inhibition on the power of the Collector or the Court to award more compensation than awarded in the Foundational Award. But it can be safely inferred that the redetermination seeker is entitled to receive compensation by the same rate as fixed in the Foundational Award. In the present matters appellants are claiming that there is clinching material on record to suggest that the lands are semi irrigated lands and the fruit

bearing trees, structures, pipeline and well are assessable to the compensation which is denied to them.

30. Mr. Tambe, learned advocate has further relied on the judgment of the Full Bench of Kerala High Court in the matter of K. V. Sarda Kunnaru P. O. Karanthadu, Ramanthali Kannur District Vs. The Special Tahsildar, Thalassery reported in *(2016) 4 KLJ 421*. In that case the issues which were referred for consideration were as follows :

> 8. We have considered the submissions made by the learned counsel for the parties, perused the records and have gone through the reference order dated 13.08.2015. From the submissions of the parties and the pleadings on record, the following are the issues which arise for consideration in this appeal.
>
> (i) Whether the court deciding a reference under Section 28A(3) can award compensation exceeding the amount as awarded by court on the basis of which award the application for redetermination has been made by an interested person under Section 28A(1)?
>
> (ii) Whether judgments of this Court in Raghava Poduval, Purushan and District Collector v. Muhammed Kunhi's cases (supra) taking the view that reference court under Section 28A(3) is not inhibited from awarding higher compensation than one claimed under Section 28A(1) or the judgment of the Division Bench in State of Kerala v. Kumaran Nair taking the view that reference court under Section 28A(3) cannot grant amount in excess of the amount claimed under Section 28A(1), lays down the correct law?
>
> (iii) Whether in view of the judgment of the Apex Court in Ambya Kalya Mhatre's case (supra), judgment of the Division Bench in State of Kerala v. Kumaran Nair needs

reconsideration?

All the issues being interconnected are taken together.

31. Following is the conclusion of the bench.

13. Provisions of Section 28-A were inserted by the aforesaid Amendment Act providing for "redetermination of the amount of compensation on the basis of the award of the court." Section 28-A as inserted by the Amendment Act is as follows:

"28-A. Re-determination of the amount of compensation on the basis of the award of the Court: (1) Where in an award under this part, the Court allows to the applicant any amount of compensation in excess of the amount awarded by the Collector under S.11, the persons interested in all the other land covered by the same notification under S.4, sub-s.(1) and who are also aggrieved by the award of the Collector may, notwithstanding that they had not made an application to the Collector under S.18, by written application to the Collector within three months from the date of the award of the Court requires that the amount of compensation payable to them may be re-determined on the basis of the amount of compensation awarded by the Court.

Provided that in computing the period of three months within which an application to the Collector shall be made under this sub-section, the day on which the award was pronounced and the time requisite for obtaining a copy of the award shall be excluded.

(2) The Collector shall, on receipt of an application under sub-sec. (1), conduct an inquiry after giving notice to all the persons interested and giving them a reasonable opportunity of being heard and made an award determining the amount of compensation payable to the applicants.

(3) Any person who has not accepted the award under sub-s. (2) may, by written application to the Collector, requires that the matter be referred by the Collector for the determination of the Court and the provisions of S.18 to 28 shall, so far as may be, apply

to such reference as they apply to a reference under S.18."

32. The observations of the Apex Court in para No. 11 of **V. Ramkrishnarao (supra)** are the *obiter dictum* . The caution given by the Apex Court cannot be undermined. The judgment of the full bench of Kerla High Court in **K.V. Sarda (supra)** does not lay down absolute inhibition under Section 28-A to award the compensation exceeding one awarded in Foundational Award. The market value cannot be exceeded under Section 28-A than the one fixed in the Foundational Award. Taking benefit of the principles of the interpretation of the Supreme Court in the matter of **Union of India Vs. Pradip Kumari (supra)** and **Union of India Vs. Hansoli Devi (supra)**, it can be inferred that compensation determinable under Section 28-A cannot be restricted to the compensation awarded in a Foundational Award. For the reasons stated above, I answer issue no. 1 in favour of the appellants/Claimants.

33. There is no iota of doubt that appellants are entitled to receive rate of Rs. 1500/- per Are for dry land or Rs. 3000/- per Are for irrigated land, which are equal to the rates in the Foundational Award. The Reference Court committed manifest illegality in depriving the appellants from awarding these rates, notwithstanding the claim of the appellants for additional compensation.

34. So far as the issue no. 2 is concerned, I find that in none

of the judgments cited by the parties it was directly fallen for the consideration. It is settled law that Section 28-A of the L.A. Act is a beneficial legislation. It is being enacted with intention to provide fair and reasonable compensation to inarticulate poor litigants. The rate fixed in the Foundational Award can be treated to be the basic market value. If the Foundational Award is silent in respect of additional compensation for trees, structure, well and pipeline, it would be causing harm to the legitimate expectation of a particular class of litigant to deprive them from those benefits. It is possible to award additional compensation to such persons adhering to the rate fixed in the Foundational Award. That cannot be said to be largesse. But it is in consonance with spirit of Article 300A of the Constitution of India. Considering various judgments referred by the parties I find that issue no. 2 has to be answered in favour of appellants/claimants.

35. If the clinching material is placed on record by the applicants/claimants suggesting that classification of the land is incorrect or additional compensation for trees, structure, well, etc. has been denied arbitrarily or by adopting hyper technical approach, it would be within realm of Section 28-A of the L.A. Act to award the additional compensation.

36. In the present matters Reference Court refused to treat lands as irrigated lands in the matters falling in Group I. My attention is adverted to the material produced on record to

show that the lands under acquisition are irrigated lands. The Reference Court refused to look into the material because it followed the observations of the Apex Court in the case of V. Ramkrishnarao Vs. The Singareni Colliries Co. Ltd. and others (supra). I have already observed that there is no prohibition for awarding more amount than awarded by the Foundational Award. The appeals categorized in this group are the examples that if the classification of land is changed, then the appellants are likely to get excess compensation than the Foundational Award. I am of the considered view that approach of the Reference Court is against the legislative intent and the spirit of Sec. 28-A.

37. I have assessed the material on record separately in Appeals of Group I, which is as under :

A. First Appeal No. 1328 of 2024.

It is stated in the evidence of first witness of the claimant Parigabai Raosaheb Gaikwad that land in question is irrigated land. The copies of 7/12 extract at Exhibit 16 show irrigated crop pattern. It reveals from E-Statement that gut No. 432 is belonging to different persons. The land belonging to Sakhahari Bhavana Salunke from same land has been acquired and it is treated to be seasonal irrigated land. It is having various trees. There is substance in the submissions of the learned counsel Mr. Bhandari that land under acquisition needs to be treated as irrigated land. Appellant is entitled to get rate of Rs. 3,000/- per R.

B. First Appeal No. 1330 of 2024

The 7/12 extract and the deposition of Pandurang Devrao Shete shows that land is irrigated one. 7/12 extracts at Exhibit 16 and 17 corroborate the claim. A well is located in the adjacent land. There is entry to that effect in other rights column. The land acquired in this appeal has to be treated to be irrigated land. The appellant is entitled to receive rate of Rs. 3,000/- per R.

C. First Appeal No. 1331 of 2024

The deposition of witness Kamalabai Rakhibdas Sancheti shows that the land is irrigated. The extract of 7/12 at Exhibit Nos. 16, 20 and 21 corroborate the claim. The crop pattern shows that the land is irrigated one. It reveals from record that well is located in the adjacent lands. The land in this appeal is also irrigated one, to enable the appellant to fetch rate of Rs. 3,000/- per R.

D. First Appeal No. 1368 of 2024.

The deposition of Shivaji Pandurang Bhosale and the 7/12 extract corroborate. The judgment at Exhibit 18 passed in L. A. R. No. 10 of 2018 supports the claim. In this appeal also the appellant is entitled to receive rate of Rs. 3,000/- per R.

38. The appellants are claiming additional compensation in

the appeals classified in Group II. The Reference Court refused to award compensation for well, house/hut or the tress existing in the land in question. The Reference Court did not delve upon the factual matrix. The appellants have made attempt to demonstrate before this Court regarding their entitlement for additional compensation. The objective scrutiny for the first time in the High Court is not possible. It would be appropriate to remand the matter to the Reference Court with a direction to decide the quantum of compensation for the above factors.

39. It is made clear that it would not be open for the Reference Court to deny the compensation merely on the ground that it would be exceeding the compensation of the Foundational Award. It is reiterated that claimants would be entitled to receive the compensation for the factors for which the Foundational Award is silent.

40. In view of above analysis I find that the appeals classified in Group I deserve to be allowed. As against that appeals classified in Group II are remanded to the Reference Court for conducting scrutiny afresh for adjudicating the compensation. I, therefore, pass following order.

O R D E R

A] First appeals of Group I are allowed partly in the following matter :

(i) Appellants in First Appeal Nos. 1328 of 2024, First Appeal No. 1330 of 2024, First Appeal No. 1331 of 2024 and First Appeal No. 1368 of 2024 shall be entitled to receive rate of Rs. 3,000/- per R for the acquired lands.

(ii) Appellants shall be entitled to get 30% of solatium as per Section 23(2) of the L.A. Act.

(iii) Appellants shall be entitled to receive additional component at the rate of Rs. 12% per annum on the market value as per Section 23(1A) of the L.A. Act.

(iv) Appellants shall be entitled to interest U/Sec. 28 and 34 of the Act as per the judgment of the Full Bench of this Court in the matter of State of Maharashtra Vs. Kailash Shiva Rangari reported in *2016(3) Mh.L.J. 457*.

(v) Appellants shall pay deficit court fees.

(vi) Award be drawn up accordingly.

(vii) Record and proceedings shall be sent back.

B] First appeals in Group II are disposed of in following manner.

I Impugned judgments and awards passed by the Reference Court in First Appeal No. 1329 of 2024, First

Appeal No. 1332 of 2024, First Appeal No. 1333 of 2024, First Appeal No. 1359 of 2024, First Appeal No. 1361 of 2024, First Appeal No. 1362 of 2024, First Appeal No. 1367 of 2024, First Appeal No. 1369 of 2024, First Appeal No. 1370 of 2024, First Appeal No. 2590 of 2024 and First Appeal No. 2873 of 2024 are quashed and set aside.

II Parties are relegated to the Reference Court, which shall decide their claims afresh on the basis of material on record by extending opportunity to the parties.

III The Reference Court shall determine the compensation for wells, houses/huts, structure and the trees as the case may be in the wake of observations made in the judgment.

IV Parties shall appear before the Reference Court on 18.03.2026 and an endeavour shall be made to decide the references as expeditiously as possible and preferably within a period of ten (10) months from the date of appearance of the parties.

V Record and proceedings shall be sent back to the Reference Court.

[SHAILESH P. BRAHME J.]

bsb/Feb. 26