



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

FIRST APPEAL NO. 20 OF 2015

General Manager,
Central Railway, C.S.T., Mumbai,
Through Dy. Chief Engineer (Nirman),
Ajni, Central Railway, Nagpur. ---APPELLANT

---VERSUS---

1. Suresh S/o. Parasram Ajankar,
Aged Adult, Occ. Agriculturist,
R/o. Warud, Dist. Amravati.
[Dead through LR.]
- 1A. Rekha wd/o. Suresh Anjankar, Amendment carried out
as per Court's order
dated 23.01.2026.
Aged about 72 years, Occ.-Household,
- 1B. Dhanshree Kishor Patil,
Aged about 46 years, Occ.-Household,
R/o. Plot No.4, H.B. Estate, Sonegaon,
Nagpur – 20.
- 1C. Harish Suresh Anjankar,
Aged about 45 years, Occ. Agriculturist,
- 1D. Manish Suresh Anjankar,
Aged about 40 years, Occ. Agriculturist,
Nos.1A, 1C & 1D are
R/o. Saota Chowk, Warud,
Tah. Warud, Dist. Amravati.
- 1E. Priyanka Vishal Mahajan,
Aged about 36 years, Occ.-Household,
R/o. Vishwakarma Nagar, Galli No.5,
Nagpur.

2. Collector through
Spl. L.A.O., Z.P.W.,
Amravati. --RESPONDENTS

WITH

CROSS-OBJECTION NO. 35 OF 2026

General Manager,
Central Railway, C.S.T.
Through Dy. Chief Engineer,
Central Railway (Nirman),
Ajni, Central Railway, Nagpur. ---APPELLANT

---VERSUS---

1. Suresh S/o. Parasram Aajankar,
[Dead through LRs.]
- 1A. Rekha wd/o. Sureshrao Aajankar, Cross-Objector
No.1A to 1E
Aged about 72 years, Occ.-Household,
- 1B. Dhanashree Kishor Patil,
Aged about 46 years, Occ.-Household,
R/o. Plot No.4, H.B. Estate, Sonegaon,
Nagpur – 20.
- 1C. Harish Sureshrao Aajankar,
Aged about 45 years, Occ. Agriculturist,
- 1D. Manish Sureshrao Aajankar,
Aged about 40 years, Occ. Agriculturist,
Nos.1, 3 & 4 R/o. Saota Chowk, Warud,
Distt. Amravati.
- 1E. Priyanka Vishal Mahajan,
Aged about 36 years, Occ.-Household,
R/o. Vishwakarma Nagar, Galli No.5,
Nagpur.

2. Collector through
Spl. L.A.O., Z.P.W., Amravati.

--RESPONDENTS

Ms. Neerja Chaubey, Advocate for Appellant.
Mr. C. R. Najbile, Advocate for Respondent Nos.1A to 1E.
Mr. G. S. Umale, A.G.P. for Respondent/State.

CORAM : NEERAJ P. DHOTE, J.

DATED : 01.04.2026.

ORAL JUDGMENT

. This is an Appeal by the Acquiring Body under Section 54 of the Land Acquisition Act, 1894 (for short, "L.A.Act").

2. Learned Advocate for the Acquiring Body on instructions submits that, she has instructions to withdraw the Appeal.

3. There is cross-objection by the Claimants for enhanced compensation for the fruit bearing trees. The learned Advocate for the Claimants submits that, this Court in First Appeal No.1303/2017, which was filed by the Acquiring Body against the Judgment and Award dated 12.12.2011 passed by the Joint Civil Judge, Senior Division, Nagpur in Land Acquisition Case No.114/2002, dismissed the Appeal by maintaining the rate of Rs.3500/- per orange tree which was awarded by the learned

Reference Court. He submits that, since the acquisition in the present matter is for the same project, the lands in the case at hand are situated at Warud, which is known for the oranges and though the lands in the aforesaid Appeal was from Narkhed, which was at some distance, the Claimants are entitled for the same rate.

4. It is submitted by the learned Advocate for the Acquiring Body that, considering the evidence on record, the learned Reference Court has appropriately categorized the fruit bearing trees and awarded the rate ranging from Rs.2180/- to Rs.2805/- per tree. She submits that, since the place where the lands were situated in the case at hand and in the said Judgment of this Court were at the distance place, the rate determined by the learned Reference Court be maintained.

5. There is no dispute that, the land of the Claimants wherein the orange trees were standing was acquired for Amravati – Narkhed New Railway Line. Section 4 Notification was issued on 22.01.1998 and the Award was declared on 30.03.2002. The learned Reference Court determined the rate of Rs.2411/- per orange tree for 115 orange trees, rate of Rs.2622/- per orange tree for 77 orange trees, Rs.2805/- per orange tree for 314 orange trees

and Rs.2180/- per orange tree for 58 orange trees. Undisputedly, the said Judgment in First Appeal No.1303/2017 passed by this Court was in the reference arising out of the same acquisition proceedings, though from different place. Perusal of the said Judgment of this Court shows that, there were 56 orange trees of 8 years and the rate of Rs.3500/- per orange tree, determined by the Reference Court therein was maintained. The age of most of the trees in the case at hand was above 8 years. There is no material to show the distance between two places. Considering these aspects of the matter, the Claimants would be entitled for the same rate i.e. Rs.3500/- per orange tree on the ground of parity. Hence, the following order :

ORDER

- i] The Appeal by the Acquiring Body stands disposed of as withdrawn.
- ii] The counter claim is partly allowed.
- iii] The Claimants shall be entitled for the rate of Rs.3500/- per orange trees for 564 orange trees.
- iv] The amount of compensation, deposited by the Acquiring Body under the Award is permitted to be withdrawn by the Claimants.
- v] The amount towards the enhanced compensation be deposited within a period of eight (8) weeks.

- vi] On deposit of the amount of enhanced compensation, the Claimants would be entitled to withdraw the same after following due process.
- vii] The deficit Court fee be paid in the cross-objection within a period of four weeks.
- viii] The Appeal stands disposed of accordingly.

(NEERAJ P. DHOTE J.)

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