



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 FIRST APPEAL NO. 765 OF 2007

State of Maharashtra
VERSUS
Padmakar Vishwambhar Haralkar

...
A.G.P. for Appellant : Mr. D.J. Patil
Advocate for Respondents : Mr. Shashikiran N. Patil & Mr. N.S.
Birajdar

...
WITH
CROSS OBJECTION (ST) NO. 4163 OF 2026

Padmakar Vishwambhar Haralkar
VERSUS
State of Maharashtra Through Collector Osmanabad

...
Advocate for Applicant : Mr. Mr. Shashikiran N. Patil & Mr. N.S.
Birajdar
AGP for Respondents: Mr. D.J. Patil

.....
CORAM : SANJAY A. DESHMUKH, J.
DATED : 11th FEBRUARY, 2026

PER COURT :-

1. The first appeal No. 765 of 2007 is preferred against the judgment and award passed by the learned Reference Court, Osmanabad, in L.A.R. No. 114 of 1994, decided on 17.2.2004.
2. The agricultural land of the appellant bearing block No. 7, admeasuring 2 Hectare 60 Are, was acquired for the purpose of construction of Benitura Medium Project, Murum, Tq. Omerga,

District Osmanabad, as per the notification under section 4 of the Land Acquisition Act, 1894 (for short "L.A. Act"), published on 21.04.1988 in the village. The notification under Section 6 of the L.A. Act was published on 15.4.1989. The possession of the claimant's land was taken on 01.01.1989. The Land Acquisition Officer had passed an award on 24.09.1992, by awarding the compensation at the rate of Rs.140/- per Are. A reference was filed and the learned Reference Court enhanced the amount of compensation @ 300/- per Are, by passing an award on 17.02.2004.

3. Learned A.G.P. for the appellant State submitted that the Reference Court has not considered the case of the appellant in its proper perspective and awarded an exorbitant amount of compensation. The reasons and findings in the impugned judgment are not correct and legal which require interference. He prayed to allow the appeal and set aside the impugned judgment and award.

4. Learned advocate for the respondent-claimant pointed out the pleadings, evidence, grounds of objections in the cross objections and the reasons and findings in the impugned judgment. It is submitted that the valuation of the trees was not properly determined and awarded by the Reference Court even though the valuer is examined. It is submitted that in first appeal No. 1135 of 2009 and

other connected appeals, arising out of one and the same acquisition proceeding, this court has awarded the compensation at the rate of Rs.90,000/- per acre for seasonally irrigated land and Rs.1,20,000/- for fully irrigated land. The claimant is entitled to the compensation for the same rate on the principle of parity. Learned advocate for the respondent-claimant i.e. the applicant in cross objection further submitted and pointed out the judgment of this Court in first appeal No.4213 of 2017 and other connected appeals, decided on 09.04.2025, by which this Court accepted the report of valuer, Mr. Nandkumar Patil, fully and awarded the compensation. The para 17 of the said judgment reads as under:-

*"17. The notice was not given by Nandkumar Patil (AW2) the valuator to the respondents which is admitted by him in his cross-examination. However, in view of the above reasons and ratio laid down by this Court in the case of **Pandhari and others vs. The State of Maharashtra and others (supra)** the interference is warranted in the impugned judgment and award. Thus, the valuation report was not properly appreciated by the reference Court and the respondents have not disproved the same. Therefore, the evidence of Nandkumar Patil (AW2) Exh.66 is reliable and acceptable. However, the learned Reference Court erred in not relying upon it."*

5. On perusal of the pleadings, evidence, the reasons and findings, particularly the grounds of objections of appeal and the

impugned judgment and award, it is found that the case of the cross objector / claimant is covered by the judgment of this Court rendered in first appeal No. 1135 of 2009, as the process of acquisition and project is one and the same. However, the lands are acquired by different notifications. The possession of the land in question was taken at the same time. Learned Reference court held that the claimant's land is irrigated land and on the principle of parity, in view of the judgment of this Court in first appeal No.1135 of 2009, dated 05.02.2026, the claimant/cross objector is entitled for the same rate of compensation as awarded by this court in said first appeal. In view of above reasons, the claimant is entitled for compensation @ Rs.1,20,000/- per acre.

6. As far as as the valuation of trees is concerned, Mr. Nandkumar Patil, CW 4, has deposed at Exh.48 that he visited the acquired land and during inspection, he found 5000 Nilgiri trees and 500 Jujube trees in the acquired land. He examined the nature of trees in the acquired land and came to the conclusion that the trees are in existence and determined the value of the said trees. For jujube trees, as per the report Exh.63, the amount awarded is Rs.6,75,000/-. There were 5000 Nilgiri trees and compensation of Rs.92,820/- was awarded for Nilgiri trees. Upon re-appreciation of both the reports, entire evidence and considering the matter before

this Court, the report of valuer Mr. Nandkumar Patil is accepted to the extent 75% that would meet the ends of justice, which would be the proper market value of Jujube and Nilgiri trees planted in the lands of the claimant. Thus, value of one Nilgiri tree is Rs.1000/-. There were total 5000 Nilgiri trees. The total amount for Nilgiri trees comes to Rs.50,00,000/-. 75% of which comes to Rs.37,50,000/-. In so far as the jujube trees are concerned, value of one jujube tree is Rs.10,200/-. There were total 500 Jujube trees. The total amount for jujube trees comes to Rs.51,00,000/-. 75% of which comes to Rs.38,25,000/-.

7. Considering all these aspects, the first appeal deserves to be dismissed, as there is no substance in the appeal and the cross objection deserves to be allowed. Hence, the following order:-

O R D E R

- I. The first appeal is dismissed.
- II The cross objection is allowed.
 - a) The cross objector-claimant is entitled for compensation @ Rs.1,20,000/- per acre.
 - b) The cross objector-claimant is entitled for compensation of Rs.37,50,000/- for Nilgiri trees and Rs.38,25,000/- for jujube trees. The said amounts include

earlier amount of compensation awarded by the Land Acquisition Officer and enhanced by the learned Reference Court. The claimant is entitled for the statutory benefits like component, interest and solatium as per the Land Acquisition Act, 1894.

- III. It is clarified that the cross objection is filed in the year 2026 and there was delay of 6751 days caused for filing the cross objection, which was condoned by this Court on the condition that the claimant shall not claim interest for the delayed period. Therefore, the claimant is not entitled for statutory benefits i.e. solatium, interest and components etc. for delayed period.
- IV. The State Government is directed to deposit the enhanced amount of compensation within six months from today with accrued interest, if any, in this Court.
- V. The claimant shall deposit the amount of deficit court fees, if any. On depositing entire amount, it be paid to the claimants/cross objectors.
- VI. The record and proceedings be sent back.

(SANJAY A. DESHMUKH, J.)