



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY  
BENCH AT AURANGABAD**

**969 WRIT PETITION NO. 12578 OF 2017**

Vikram Godha Patil

VERSUS

The Collector Jalgaon And Others

...

Advocate for the Petitioner : Mr. Kale Ajeet B.

AGP for Respondents-State: Mr. S. P. Joshi

Advocate for Respondent No.3 : Mr. Shrirang Shashishekhar Dande

...

**CORAM : ARUN R. PEDNEKER, J.**

**Dated : August 26, 2025.**

**PER COURT :-**

1. The learned Counsel for the petitioner submits that, the compensation has been granted to him in terms of paragraph 32 of the award.

Paragraph No.32 of the award, is noted below :

“32. निवाड्यात जेवढ्या झाडांच्या संख्यांना मोबदला भुसंपादन अधिका—याने दर्शविलेला आहे, तेवढ्याच झाडाकरिता वाढीव मोबदला देण्यात येईल. अर्जदारांनी त्यांच्या अर्जात नमुद केल्याप्रमाणे झाडांच्या संख्यांना मोबदला देता येणार नाही. या अगोदर या न्यायालयाने एल.ए.आर. २२८/२०१२, २३६/२०१२, २३७/२०१२, २३८/२०१२, २३९/२०१२ दि. २३.१०.२०१२ या न्यायनिर्णयात याच प्रस्तावातील भुसंपादन निर्देशनात डाळिंब यांना रु.९२००/- मोसंबी रु. ११,७००/-, बोर रु.७०००/-, लिंबू रु १०,४००/-, आंबा रु.४५,५००/- व चिंच रु.३०,०००/- मंजूर केले आहे. सदरची शेतजमीन ही त्याच प्रस्तावात संपादीत झाल्यामुळे समानतेच्या आधारावर न्यायाच्या दृष्टीने वरील संपादीत शेतजमिनीतील फळझाडांना त्याच दराप्रमाणे नुकसान भरपाई मंजूर करण्यात येत आहे.”

He submits that the said compensation was granted on the basis of his statement made in the Reference Proceedings and the valuation placed before the Reference Court. In pursuance of such valuation, the award determined compensation accordingly.

2. The learned Counsel further submits that, after four years of the award, the State moved an application seeking correction in the award. He

points out that the contention of the State before the Reference Court was that the number of trees for which compensation was granted should be based on the number of trees mentioned in the award made under Section 11 of the Land Acquisition Act, 1894, by the Deputy SLAO and not on the valuation report produced before the Reference Court. Acting upon such application, the Reference Court passed an order dated 14/07/2016, wherein it was held that the compensation should be computed only with reference to the number of trees mentioned in the award under Section 11, treating the difference as arrears, and not on the basis of the valuation report.

3. According to the learned Counsel for the petitioner, the impugned order of Reference Court amounts to a modification of the award, which is impermissible in law. He submits that the award can only be interfered with by the Appellate Court, before whom appeals are already pending. Therefore, the order passed by the Reference Court in Application No.05/2016 is not tenable in law.

4. The learned Counsel for the respondent seeks time to make submissions in this regard.

5. List the matter, after part-heard matters, on 22/09/2025.

( ARUN R. PEDNEKER, J. )

*vj gawade/-.*