



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

**NAGPUR BENCH, NAGPUR**

**FIRST APPEAL NO. 506/2021**

- 1) The Executive Engineer,  
Patbandhare Vibhag, Akola,  
Tq. & Dist.- Akola.  
(Ori. N. A. No.2 On RA)

**... APPELLANT**

**...VERSUS...**

- 1) Shri Nandlal S/o Kanhaiyyalal Agrawal,  
Aged about: Adult, Occ: Agriculturist,  
(Ori. Claimant No. 1 on RA)
- 2) Smt. Ramabai W/o Nandlal Agrawal,  
Aged about: Adult, Occ: Agriculturist,  
(Ori. Claimant No. 2 on RA)  
Both R/o Shivpur,  
Tq. Akot, Dist.- Akola
- 3) The State of Maharashtra,  
Represented by Collector, Akola,  
Through Land Acquisition Officer,  
K.P.M.P. Akola, Tq. & Dist. Akola.  
(Ori N. A. No. 1 On RA)

**...RESPONDENTS**

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Mr. T. M. Zaheer, Advocate for the appellant  
Ms. H. N. Jaipurkar, AGP for respondent/State  
Mr. H. D. Dangre with Mr. R. V. Malviya, Advocate for the respondent  
nos. 1 & 2.

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**CORAM : SMT. M.S. JAWALKAR AND**  
**NANDESH S. DESHPANDE, JJ.**

**RESERVED ON \_\_\_\_\_ : 22<sup>nd</sup> JANUARY, 2026.**

**PRONOUNCED ON : 11<sup>TH</sup> FEBRUARY, 2026.**

**JUDGMENT (PER : NANDESH S. DESHPANDE, J.)**

1. **Heard.**

2. Present appeal filed under Section 54 of the Land Acquisition Act, 1894, takes exception to the judgment and decree passed by Civil Judge, Senior Division, Akot, in Land Acquisition Case No. 01 of 2015, (Old Land Acquisition Case No. 14 of 2015), decided on 28.07.2020.

3. We have heard Mr. T. M. Zaheer, learned counsel for the appellant, Ms. H. N. Jaipurkar, AGP for the Respondent No. 3 and Mr. H. D. Dangre with Mr. R. V. Malviya, learned counsel for the respondents Nos. 1 and 2.

4. The facts, which are more or less undisputed, are that the respondents nos. 1 and 2 owned and possessed agricultural land bearing Gat No. 255, admeasuring 7 hectares 27 R., out of 3.59 HR lands situated at village Shivpur, Taluka Akot, district, Akola, which was acquired for construction of Shivpur tank.

5. For the said purpose Notification under Section 4 of the Land Acquisition Act, 1894, was published on 31.05.2007 and the award was declared on 20.08.2008. The respondent No. 3, i.e. the Land Acquisition Officer, granted compensation to the claimants, i.e. the respondents Nos. 1 and 2 for total acquired 3.59 HR land at the rate of Rs. 62,300/- per hectare.

6. Being aggrieved by the said award, the said respondents filed a reference application before the Collector at Yavatmal and thereby claimed enhanced compensation for the acquired land at Rs. 4 lakhs per hectare.

7. The reference Court allowed the reference on 28.07.2020 and directed to pay enhanced compensation at the rate of Rs. 250,000/- per hectare for the acquired 3.59 hectares of land and for Teak wood trees which were 1,900 in number at the rate of Rs. 10,000/- per tree and other trees as well. It is this judgment which is challenged in the present appeal on the grounds as stated in the appeal.

8. While assailing the judgment passed by the reference Court, the learned counsel for the appellant submits that the said court did not appreciate the fact that the reference was filed at a verty belated stage and therefore, the limitation issue was overlooked by the said Court. It is the contention of the learned counsel for the appellant that the reference Court has not appreciated their evidence in proper perspective and has not considered the various admissions in the cross-examination of the witnesses. It is his submission that the reference Court erred in considering the existing geographical situation of the land and has wrongly come to a conclusion by giving higher value of the trees which are not in existence. He, therefore, prays that the judgment is liable to be set aside in appellate jurisdiction.

9. Per contra, the learned counsel Mr. H. D. Dangre, appearing for the respondent nos. 1 and 2, i.e., the original claimants, strenuously submits that there was enough material on record to show that in fact the trees of Teak existed and therefore there is no error in granting compensation as has been granted by the reference Court. By taking us through the various revenue records at Exhibits 23 to 30, the learned counsel for the respondent nos. 1

and 2 submits that consistently from the year 1995-96, there is a mention of Teak wood trees in the revenue extract. He, therefore, submits that the said fact is clearly an indication that much before the issuance of Notification under Section 4 of the Land Acquisition Act, there were trees which existed on the land. He, however, fairly concedes that the earlier revenue records only mentions about the area under cultivation of trees and for the first time, it is mentioned in the revenue record for the year 2007-2008 that 1900 trees existed on the said cultivated land. He, further, submits that the evidence led by the appellant was sketchy and therefore the reference Court was right in awarding compensation. He, therefore, prays for dismissal of the appeal.

10. After hearing the parties, we had closed the matter for judgment on 22.01.2026. However, on 02.02.2026, the matter was mentioned by the learned counsel for the appellant by stating that he wants to file certain documents which was in the nature of literature regarding the number of Teak trees which can be number of trees, that can be planted on 1 hectare of land. At his behest, the said matter was taken on board on 02.02.2026.

11. The learned counsel for the appellant filed a pursis along with extract of book namely “Krushisanvadini” published by Dr. Punjabrao Deshmukh Krushi Vidyapeeth, Akola, which is a reputed Agricultural University in Vidarbha. He also filed extract of book namely “101 Profitable Agribusiness Ideas In India” which is available on the internet. The said documents are taken on record. Furthermore, as can be seen from the record itself that a consistent stand has been taken by the respondents that is original claimants that there were 1900 trees under cultivation in area admeasuring about 2 hectares of land. The documents which are in the nature of a literature filed along with the pursis as mentioned above are in support of the said stand taken by the original claimants before the reference Court and the Land Acquisition Officer. Thus, the claimant in our view is only filing material in support of the said stand.

12. In view of these facts, following points arise for our determination and the findings thereon are recorded for reasons given:-

| Sr.No. | Points   | Findings           |
|--------|--|--------------------|
| 1      | Does the reference court was right in enhancing compensation as claimed by the original claimants? | Yes                |
| 2      | Does the award of the reference court warrants interference in appellate jurisdiction?             | No                 |
| 3      | What order?  | As per final order |

### REASONS

#### 13. AS TO POINTS NO. 1 TO 3:-

Since all these points are interlinked, they are being decided together. The claimants in support of their claim had led evidence and have been cross-examined by the acquiring body. P.W.1 is the original claimant that is respondent no. 1 herein (Shri Nandlal S/o Kanhaiyyalal Agrawal). In his examination-in-chief itself, the said witness has taken a specific stand that in the revenue record that is 7/12 extract, there was an entry in respect of Teak Wood trees and the possession of the land in question was taken by the authorities before Notification under Section 4 of the Land Acquisition Act, 1984, was issued. He further states that he has made a complaint to the Land Acquisition Officer regarding the personnel of the

Acquiring Body destroying the Teak Wood trees and starting the work of dam prior to Section 4 Notification. The cross-examination of this witness is quite sketchy and nothing incriminating to the interest of the claimant has come on record.

14. If the evidence of the claimants, that is the respondent nos. 1 and 2 are perused, there is a specific averment in the said affidavit that in field Gat No. 255, there were 1900 Sagwan Trees, 19 Orange trees, 12 Bor trees, 2 Sitafal trees and 8 Moha's trees. The said fact has been reiterated in the said claim affidavit and the age of the said trees, height of the said trees and the diameter of the said trees is also stated in the affidavit. If the cross examination of the claimant, i.e. Nandlal Agrawal, is perused, there is no suggestion in the cross-examination which disputes the said facts. In fact, the cross-examination states that the trees and the fixtures standing in the field are also shown in 7/12 extracts which according to us supports the case of the claimant. Only a bald suggestion which is also denied regarding the entry of Teak wood trees in collusion with the Talathi is given in the cross-examination.

15. The claimants in support of their claim have also examined one Afzal Khan, son of Afsar Khan who happens to be owner of the mill engaged in cutting of wood. In his said examination-in-chief filed on affidavit he has also stated that there are 1900 Teak wood trees standing on the said piece of land being acquired by the appellant. Even in his cross-examination there is nothing suggested which would prejudice the claim of the claimants. The suggestion regarding valuation of each tree has been fortified in the cross-examination by the witness looking at his experience in the said business. Thus, no incriminating material has been brought on record by the Acquiring Body which demolishes the case of the claimant.

16. The reference Court while granting compensation has properly appreciated the evidence on record along with the supporting documentary material in paras 17 and 18 of the judgment assailed, the reference Court has clearly observed that there were 1900 Teak wood trees and there is nothing in the cross-examination in rebuttal on behalf of the Acquiring Body. The reference Court has further recorded a finding that the compensation of Rs 62,300/- per acre awarded by the Land

Acquisition Officer is grossly inadequate and therefore went on to enhance the compensation by taking into consideration the material placed on record as stated supra.

17. On careful consideration of the entire material on record, we do not find any error in the judgment of the reference Court. The appeal therefore is without any merit and is accordingly rejected. We therefore, pass the following order :-

**ORDER**

- i) Appeal is rejected.
  
- iii) Judgment and decree passed by Civil Judge, Senior Division, Akot, in Land Acquisition Case No. 01 of 2015, (Old Land Acquisition Case No. 14 of 2015), decided on 28.07.2020 is hereby confirmed.
  
- iii) Parties to bear their own costs.

(NANDESH S. DESHPANDE, J.)  
Shubham

(SMT. M.S. JAWALKAR, J.)