2025 INSC 1022

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. …… OF 2025
[ARISING OUT OF SLP (CIVIL) NO. 97 OF 2021]

SARASWATABAI MOTIRAM TAYADE & ORS. …APPELLANTS

VERSUS

VIDARBHA IRRIGATION DEVELOPMENT CORPORATION & ANR. …RESPONDENTS

J U D G M E N T

DIPANKAR DATTA, J.

1. Leave granted.

2. The judgment and order dated 17th September, 2020, passed by the High Court of Judicature at Bombay, Nagpur Bench, Nagpur, while disposing of First Appeal No. 143 of 2014 presented by Vidarbha Irrigation Development Corporation is under challenge at the instance of the appellants-landowners[1], who were the respondents in such appeal.

3. The appellants were affected by the subject land acquisition proceedings and had sought a reference before the appropriate court under Section 18 of the Land Acquisition Act, 1894[2]. An award was duly made on 29th August, 2011. The said award upon being challenged before the High

[1] appellants
[2] L A Act

Court has suffered modification on one count. The only point in respect whereof the appellants have urged interference with the appellate order of the High Court is in respect of reduction of multiplier applied to the orange trees which were standing on the acquired land. While the reference court applied the multiplier of 15, the High Court reduced it to 10 considering the decisions of this Court in ***Bilquis v. State of Maharashtra***[3] and ***Revenue Divisional Officer, Kurnool District v. M. Ramakrishna Reddy***[4]. However, the finding that the multiplier should be reduced is not premised on any other substantive ground.

4. We have perused the decisions in ***Bilquis*** (supra) and ***M. Ramakrishna Reddy*** (supra).

5. In ***Bilquis*** (supra), the observation that the reference court ought to have used the 10 years purchase as a multiplier instead adopting 20 years purchase was rendered *"in the facts and circumstances of the case"*. This decision, therefore, is not a precedent on the aspect of multiplier which would be binding on all courts in terms of Article 141 of the Constitution.

6. In ***M. Ramakrishna Reddy*** (supra), this Court observed that the general trend is to adopt a multiplier of 8 to 10 in regard to plantations, fruit orchards, and the multiplier ranging from 10 to 12 for agricultural crop land. It was also observed that in the absence of any special circumstances to apply the higher multiplier of 12 or 13 or the lower

[3] (2018) 7 SCC 530
[4] (2011) 11 SCC 648

multiplier of 8, the standard multiplier of 10 should be applied having regard to the evidence in regard to the nature, standard and position of the orchard. Even this decision acknowledges that if there exist special circumstances, application of a higher or a lower multiplier could be justified.

7. It is not in dispute that large tracts of land were acquired in village Khanapur, Teh. Patur, in the district of Akola, pursuant to notification dated 22nd August, 1995 issued under Section 4 of the L A Act. Possession of the acquired lands was taken on 1st April, 1996. The appellants having sought a reference, it gave rise to LAR No. 203 of 2002. The reference court by an award dated 29th August, 2011, *inter alia*, awarded Rs. 3,15,000/- for 42 orange trees apart from compensation for 8 sandalwood trees, 1 teak wood tree, 1 neem tree and 1 dudhi palas tree. As a result of the modification ordered by the High Court, the compensation for the 42 orange trees stands reduced to Rs. 2,10,000/- from Rs. 3,15,000/-.

8. It is a fact that other landowners having sought reference under Section 18 of the L A Act, several land acquisition reference cases were registered. In one such case, evidence was tendered by an expert from a local agricultural university who deposed that the life of an orange tree could be up to 30 years. The periodical yield of an orange tree from time to time was further spoken to by him. According to him, an orange tree could bear fruits for 15 to 20 years. All such reference cases were heard by the reference court immediately prior to the reference case of the

appellants was heard. The reference court had such evidence of the expert before it. These lands undisputedly were adjacent to the land of the appellants. In respect of the orange trees standing on such adjacent lands, the reference court had adopted 15 years' purchase and applied the multiplier of 15 while computing compensation. One of the several awards of the reference court was challenged before the High Court in First Appeal No. 627 of 2013. *Vide* judgment and order dated 27th November, 2019, the award of the reference court was affirmed. The respondent accepted the order of the High Court insofar as those landowners are concerned but while invoking the appellate jurisdiction of the High Court, did not invite the attention of the learned Judge seized of the appeal (out of which this appeal has arisen) to the said judgment and order dated 27th November, 2019.

9. There was evidence before the reference court that the orange trees of the appellants were 3 to 4 years old. Having regard to the evidence of the expert, application of the multiplier of 15 appears to be a plausible approach. However, the learned Judge was persuaded to reduce the multiplier to 10 without being apprised of the earlier decision of the coordinate Bench.

10. Therefore, what emerges is this that for acquisition of lands under a common notification issued under Section 4 of the L A Act in respect of lands comprised in one village, the multiplier applied for determining compensation for uprooted orange trees of other landowners is 15 whereas it is 10 for the appellants.

11. We do not think that in the matter of grant of compensation, landowners who are similarly situate should face any kind of discrimination. Once the respondent has accepted the judgment and order dated 27th November, 2019, the notice of the learned Judge was not invited to such judgment and order and there being no tenable reason assigned for reduction of the multiplier from 15 to 10, we are of the considered opinion that the said judgment and order dated 27th November, 2019, constituted a special circumstance for which multiplier of 15 applied by the reference court should not have been disturbed. Consequently, we are of the view that determination of the reference court *qua* compensation for the 42 orange trees should be restored and that of the High Court set aside. It is ordered accordingly.

12. This appeal, thus, stands allowed with a direction to the respondent to pay, within 8 weeks, the balance sum of Rs. 1,05,000/- to the appellants together with interest at the rate of 6% per annum from 17th September, 2020 till payment is made. In default, rate of interest shall increase to 9% per annum.

13. Pending applications, if any, stand disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI.
AUGUST 18, 2025.