



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 FIRST APPEAL NO. 817 OF 2015

THE STATE OF MAH AND ANR
VERSUS
GANPAT SAKHARAM DESHMUKH

...
Ms. A. S. Mantri, AGP for the Appellants-State.

...
AND
CIVIL APPLICATION NO. 10579 OF 2012
IN FA/817/2015

THE STATE OF MAH AND ANR
VERSUS
GANPAT SAKHARAM DESHMUKH

...
Ms. A. S. Mantri, AGP for the Appellants-State.

...
CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 2nd JULY, 2026

PC.:-

1. Heard Ms. A. S. Mantri, learned AGP for the Appellants/State. By consent of the learned AGP, the matter is taken up for final hearing at the admission stage.
2. By the present appeal, the Appellants/State are aggrieved by the judgment and award dated 31.01.2012 passed by the learned Joint Civil Judge, Senior Division, Beed, in LAR No.364 of 2009.
3. Learned AGP for the Appellants submits that the Special Land Acquisition Officer (SLAO) awarded compensation @ of Rs.600/- per R and the learned Reference Court further enhanced the total

compensation to Rs.8,87,490/-. She submits that the SLAO awarded compensation after considering the nature and quality of the acquired land. She further submits that the interest under Section 34 of the Land Acquisition Act, 1894, awarded by the learned Reference Court is contrary to the law laid down by the Full Bench of this Court in *State of Maharashtra Vs. Kailash Shiva Rangari*, reported in **2016 (3) Mh.L.J. 457**.

4. Though served, none appears for the Respondent/Claimant.

5. I have heard the learned AGP for the Appellants and perused the record as well as the judgment and award passed by the learned Reference Court. The learned Reference Court has considered the sale instances produced below Exhibits-23 and 28 and after deducting 30% from the market value reflected therein, enhanced the compensation. The sale instances relied upon are prior to the issuance of the notification under Section 4 of the Land Acquisition Act. Therefore, I do not find any perversity or illegality in the judgment and award passed by the learned Reference Court, except for the interest part under Section 34 of the Act. In view of the above, I am inclined to partly allow the present appeal. Hence, I pass the following order:-

ORDER

- (i) The present appeal is partly allowed.

- (ii) Insofar as the interest under Section 32 is concerned, the Claimants shall be entitled to receive the same from the date of award in accordance with the law laid down by the Full Bench of this Court in *Kailash Shiva Rangari (supra)* and to that extent, clause 4 of the operative part of the order passed by the learned Reference Court stands modified.
- (iii) Rest of the order of the learned Reference Court stands unaltered.
- (iv) Pending civil applications, if any, also stand disposed of.

(SIDDHESHWAR S. THOMBRE, J.)