IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

BENCH AT AURANGABAD

FIRST APPEAL NO.2237 OF 2014

Sachin s/o Arunrao Deshpande
Age 39 years, Occ. Agriculture
and Practicing Lawyer,
R/o 27/643, Anandnagar, Osmanabad
Taluka and District Osmanabad ... APPELLANT

VERSUS

1. The State of Maharashtra
through the Collector,
Osmanabad.

2. The Executive Engineer,
Lift Irrigation Department,
Osmanabad, Taluka and
District Osmanabad.

3. The Special Land Acquisition Officer,
Lift Irrigation Department
Osmanabad (No.1), Taluka and
District Osmanabad. ... RESPONDENTS

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Shri R.S. Deshmukh, Advocate for appellant
Shri N.B. Patil, A.G.P. for State
Mrs. Kalpalata Patil Bharaswadkar, Advocate for respondent No.2

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CORAM: R.M. BORDE AND
P.R. BORA, JJ.

DATED: 6th October, 2015.

ORAL JUDGMENT (PER R.M. BORDE, J.):

1. Heard. Admit. The appeal is taken up for final disposal.

2. It is not controverted by both the parties that the instant appeal arises out of the same Section 4 notification and the award declared by the Land Acquisition Officer, Osmanabad on 11.8.2006, which was subject matter of challenge before Reference Court in Land Acquisition Reference No.540/2008 and other companion matters, decided on 17.10.2013. The appellant has invited our attention to the order passed in First Appeal No.831/2014, decided by the learned Single Judge on 2.9.2015. The appeals were present by the claimants who are covered by the same Section 4 notification as well as the award and also the common judgments delivered by the Reference Court referred to above, which came to be allowed partly.

3. The only grievance raised by the appellant in the appeal is in respect of failure of the Reference Court to extend the benefit of interest under Section 28 of the Land Acquisition Act on the enhanced amount of compensation. An identical grievance raised by the claimants who were also covered by the common judgment delivered by Reference Court has been allowed by the learned Single Judge in the appeals referred to above.

4. For the reasons recorded in First Appeal No.831/2014

and other companion appeals decided by the learned Single Judge on 2.9.2015, the instant appeal also deserves to be allowed partly and same is accordingly allowed. The respondents are directed, in addition to the amount of compensation awarded by the Reference Court, to pay to the claimants benefits under Section 28 of the Land Acquisition Act on the enhanced amount of compensation awarded by the Reference Court. The amount of interest on enhanced compensation awarded by Reference Court for the initial period of one year from the date of possession shall be paid at the rate of 9% p.a. and after completion of said period of one year as aforesaid, at the rate of 15% p.a. till the date of payment of amount. The appeal is thus allowed partly. There shall be no order as to costs.

(P.R. BORA, J.) (R.M. BORDE, J.)