

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

**FIRST APPEAL NO. 402 OF 2003
WITH
CIVIL APPLICATION NO. 5657 OF 1999**

The State of Maharashtra

... Appellant

VERSUS

Deorao Genu Balid
Laxman Genu Balid

... Respondents

.....
Mr S. G. Sangle, AGP for appellant/State
Mr P. V. Barde, Advocate for respondents
.....

CORAM : **S. V. GANGAPURWALA, J.**
DATE : **3RD SEPTEMBER, 2015.**

PER COURT:

. The judgment and award passed by the reference Court u/s 18 of the Land Acquisition Act, is assailed by the State.

2. Learned AGP for the appellant/State submits that, the reference Court only on the basis of the evidence led has arrived at a market price i.e. Rs. 50,000/- per hectare for dry land and Rs. 75,000/- for Bagayat land. Nowhere it has been considered that the said lands are similarly situated. The learned AGP further submits that, the possession has been taken on 13/5/1982 and the notification under Section 4 has been issued on 9/9/1992. The interest could not have been awarded

from the date of possession but the same should have been awarded from the date of notification u/s 4.

3. I have heard the learned Counsel for respondent, who submits that, the market rate has been properly determined by the reference Court. As such, no interference of this Court is called for.

4. I have considered the submissions. As far as the quantum is concerned, it is meager amount i.e. Rs. 4,800/-.

5. Considering the evidence that was adduced in L.A.R. No. 201 of 1994, I am not inclined to entertain the appeal. The interest has been awarded from the date of possession which could not have been done. The interest at the most could have awarded from the date of notification u/s 4 as the possession is taken prior to the said notification.

6. In light of the above, the order passed by the reference Court is modified as under:

ORDER

In clause 'B' & 'C' of the operative order, the interest awarded from the date of possession is modified and instead of

15/3/1982, the interest would be awarded from the date of notification u/s 4 i.e. 24/3/1992.

7. First Appeal is partly allowed. No costs.

8. In view of disposal of main appeal, nothing survives for consideration in the connected Civil Application for stay and same stands disposed of.

[S. V. GANGAPURWALA, J.]

sgp