

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

FIRST APPEAL NO. 1373 OF 2003

Shankarrao Bhagwantrao Patil APPELLANT

V E R S U S

The State of Maharashtra RESPONDENT

**WITH
FIRST APPEAL NO. 1374 OF 2003**

Dakshabal Bhagwantrao Patil APPELLANT

V E R S U S

The State of Maharashtra RESPONDENT

**WITH
FIRST APPEAL NO. 63 OF 2004**

The State of Maharashtra APPELLANT

V E R S U S

Shankarrao Bhagwantrao Patil RESPONDENT

**WITH
FIRST APPEAL NO. 64 OF 2004**

The State of Maharashtra APPELLANT

V E R S U S

Dakshabal Bhagwantrao Patil RESPONDENT

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Mr. V.S.Bedre, Advocate for Appellants.

Ms. R.P.Gour, A.G.P. for Respondent.

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CORAM : T.V.NALAWADE, J.

JUDGMENT RESERVED ON : 04/03/2016

JUDGMENT PRONOUNCED ON : 22/03/2016

OPRATIVE ORDER

- [i] All the Appeals, the Appeals filed by the claimants and the Appeals filed by the Govt., are partly allowed.
- [ii] The Judgments and Awards of the Reference Court are modified to give the rate of ₹ 317/- per Sq. Meter. This rate is to be given in respect of the entire area of the claimants acquired by the Govt.
- [iii] The claimants are entitled to solatium of 30 % on the compensation amount.
- [iv] The claimants are entitled to the component of 12 % and it is to be paid from the date of Notification published u/s 4 of the Land Acquisition Act till the date of Award.

- [v] The interest @ 9 % per annum is payable on the compensation amount for the period of one year from the date of Notification u/s 4 of the Land Acquisition Act and the interest @ 15 % per annum is payable from the date of Award till the date of realization of the compensation amount.
- [vi] The rental compensation is to be calculated on the basis of aforesaid compensation fixed in these proceedings. The amount of rental compensation already paid is to be adjusted against the compensation awarded to the claimants, against the amount which is now payable to the claimants if higher rental compensation is already paid. If the claimants are entitled to get more amount than the amount already deposited by the Govt. in the Court, they will be entitled for the execution of the present Judgment and Award. Similarly, if more amount is already given by the Govt., the Govt. will be entitled to use the present decision for recovery of the amount paid in excess.
- [vii] To aforesaid extent the Judgments and Awards of the Reference Court are set aside.
- [viii] Award is to be prepared accordingly.

[ix] Authenticated copy of this Judgment be
given to the parties.

[T.V.NALAWADE, J.]