

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

901 FIRST APPEAL NO. 1926 OF 2016

1. State of Maharashtra,
Through The Collector, Beed.
2. The Executive Engineer,
Minor Irrigation Division (L.S.),
Beed. ... Appellants

VERSUS

1. Thanaji s/o Pralhad Tekale,
Age : Major, Occu.: Agriculturist,
R/o.: Chinchpur, Tq. And Dist. Beed.
2. Ashok s/o Pralhad Tekale,
Age : Major, Occu. And
R/o.: As above. Respondents

**WITH
FIRST APPEAL NO.1925 OF 2016**

1. State of Maharashtra,
Through The Collector, Beed.
2. The Executive Engineer,
Minor Irrigation Division (L.S.),
Beed. ... Appellants

VERSUS

1. Sharad s/o Kailas Tekale,
Age : Major, Occu.: Agriculturist,
R/o.: Chinchpur (Ghat), Tq. and
Dist. Beed.
2. Sandeep s/o Kailas Tekale,
Age : Major, Occu. and R/o.:
As above. ... Respondents.

**WITH
FIRST APPEAL NO. 1927/2016**

1. State of Maharashtra,
Through The Collector, Beed.
2. The Executive Engineer,
Minor Irrigation Division (L.S.),
Beed. ... Appellants

VERSUS

Kakasaheb s/o Rambhau Satpute,
Age : Major, Occu.: Agriculturist,
R/o.: Chinchpur, Tq. & Dist. Beed. ... Respondent

**WITH
FIRST APPEAL NO.1928/2016**

1. State of Maharashtra,
Through The Collector, Beed.
2. The Executive Engineer,
Minor Irrigation Division (L.S.),
Beed. ... Appellants

VERSUS

1. Deelip Kishan Satpute,
Age : Major, Occu.: Agriculturist,
R/o.: Chinchpur, Tq. & Dist. Beed.
2. Kanta Kishan Satpute,
Age : Major, Occu. & R/o.: As above.
3. Madan Kishan Satpute,
Age : Major, Occu. & R/o.: As above.
4. Yeshwanta Kishan Satpute,
Age : Major, Occu. & R/o.: As above.
5. Santosh Kishan Satpute,

Age : Major, Occu. & R/o.:
As above.

..... Respondents

**WITH
FIRST APPEAL NO.1929/2016**

1. State of Maharashtra,
Through The Collector, Beed.

2. The Executive Engineer,
Minor Irrigation Division (L.S.),
Beed.

... Appellants

VERSUS

Madan Namdeo Takale,
Age : Major, Occu.: Agriculturist,
R/o.: Chinchpur, Tq. & Dist.
Beed.

.. Respondent

...

Advocate for the appellants : Shri D. R. Kale, AGP.
Advocate for the respondents : Shri C. K. Shinde, Adv.

...

**CORAM : P.R. BORA, J.
DATE : June 30, 2017**

ORAL JUDGMENT :

1. Heard finally with the consent of the learned Counsel of the parties.

2. The State has filed the present appeals challenging the common judgment and award dated 29.04.2008 passed by Ad-hoc District Judge-1 at Beed in Land Acquisition Reference No. 419/2006 with four other connected Land Acquisition References.

2. The lands which are the subject matter of the present appeals were acquired for the construction of percolation tank at Chinchpur, Tq. Ashti, District Beed. In the acquisition proceedings the land acquisition officer had offered the compensation to the claimants at the rate of Rs.750/- to Rs.785/- per Are. The Reference Court has enhanced the amount of compensation by determining the market value of the acquired lands at the rate of Rs.1,500/- per Are.

3. Though, the learned AGP assailed the impugned award on the ground of determination of market value on higher side, on perusal of the judgment it does not appear to me that the Reference Court has committed any error in determining the market value of the acquired lands at the rate of 1500/- per Are. Moreover, it was also informed during the course of arguments by learned AGP himself that in few earlier matters out of the same acquisition, this Court has declined to cause any interference in the amount of compensation enhanced by the Reference Court in the said matters. Learned AGP submitted that in the said matters also the compensation was enhanced by the Reference Court by determining market value of the lands acquired in the said matters at the rate of Rs.1,500/- per Are.

4. Learned AGP disputed the impugned award further on the ground that the Reference Court has

committed an error in awarding interest under Section 34 of the Act from the date of possession. Learned AGP submitted that in view of the Full Bench judgment of this court in the case of **State of Maharashtra Vs. Kailas Shiva Rangari** reported in **2016(4) ALL MR 513** the interest under Section 34 of the Land Acquisition Act (hereinafter referred to as said Act) can only be awarded from the date of award and not from the date of possession. Learned AGP submitted that in the earlier similar matters this Court has set aside the awards impugned in the said appeals by directing modification to the aforesaid extent. Learned AGP tendered copy of the order passed by this court on 24th November, 2016 in First Appeal No. 1824/2016 and submitted that the present matters can also be disposed of on similar lines.

5. Shri. C. K. Shinde, learned Counsel appearing for the respondents i.e. original claimants, submitted that in earlier matters also he has represented the original claimants. He, therefore, submitted that the present appeals also can be decided on similar lines.

6. In view of the judgment of the Full Bench of this Court in the case of **Kailas Shiva Rangari** (supra), the interest under Section 34 of the Act can only be awarded from the date of award under Section 11 of the Act and not from the date of possession. The impugned common award, therefore, needs to be modified to that extent.

7. In view of the above, the following order is passed.

ORDER

1. The common judgment and award impugned in the present appeals so far as it relates to grant of interest under Section 34 of the Act from the date of possession stands modified to the effect that such interest shall be payable from the date of award under Section 11 of the Act.
2. The other part of the award is maintained as it is.
3. The appeals stand partly allowed in the aforesaid terms.

**(P.R. BORA)
JUDGE**