

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 2471 OF 2016

1. Jalindar s/o Jagannath Bhagat,
Age: 56 years, Occu.: Agril.,
R/o.: Kinh, Tq. Ashti, Dist. Beed.
2. Bebi Jalindar Bhagat,
Age : 48 years, Occu.: Agril.,
R/o.: As above. APPELLANTS.

VERSUS

1. The State of Maharashtra,
Through The Collector, Beed.
2. The Executive Engineer,
M.I.L.S. Beed. RESPONDENTS.

WITH
FIRST APPEAL NO. 2472 OF 2016

- Shashikala Jagannath Bhagat,
Age: 72 years, Occu.: Agril.,
R/o.: Kinh, Tq. Ashti, Dist. Beed. APPELLANT.

VERSUS

1. The State of Maharashtra,
Through The Collector, Beed.
2. The Executive Engineer,
M.I.L.S. Beed. RESPONDENTS.

WITH
FIRST APPEAL NO. 2473 OF 2016

1. Sarjerao s/o Dagdu Kakade,
Age: 70 years, Occu.: Agril.,
R/o.: Kinh, Tq. Ashti, Dist. Beed.

2. Sunil s/o Sarjerao Kakade,
Age : 50 years, Occu.: Agril.,
R/o.: As above.

.... APPELLANTS.

VERSUS

1. The State of Maharashtra,
Through The Collector, Beed.
2. The Executive Engineer,
M.I.L.S. Beed.

.... RESPONDENTS.

**WITH
FIRST APPEAL NO. 2474 OF 2016**

1. Bhimrao s/o Bapurao Kakade,
Age: 64 years, Occu.: Agril.,
R/o.: Kinhi, Tq. Ashti, Dist. Beed.
2. Arjun s/o Bapurao Kakade,
Age : 56 years, Occu.: Agril.,
R/o.: As above.
3. Sampat s/o Bapurao Kakade,
Age : 52 years, Occu.: Agril.,
R/o.: As above.
4. Dattatraya s/o Bapurao Kakade,
Age : 48 years, Occu.: Agril.,
R/o.: As above.

.... APPELLANTS.

VERSUS

1. The State of Maharashtra,
Through The Collector, Beed.
2. The Executive Engineer,
M.I.L.S. Beed.

.... RESPONDENTS.

**WITH
FIRST APPEAL NO. 2475 OF 2016**

1. Shivaji s/o Bapu Kakade,
Age: 48 years, Occu.: Agril.,
R/o.: Kinhi, Tq. Ashti, Dist. Beed.
2. Sunil Bapu Kakade,
Age : 45 years, Occu.: Agril.,
R/o.: As above.
3. Sahaji s/o Bapu Kakade,
Age : 42 years, Occu.: Agril.,
R/o.: As above.

.... APPELLANTS.

VERSUS

1. The State of Maharashtra,
Through The Collector, Beed.
2. The Executive Engineer,
M.I.L.S. Beed.

.... RESPONDENTS.

.....

Advocate for Appellants : Shri Shinde Chandrakant K.
AGP for Respondent: Shri. C.V. Dharurkar

...

CORAM : P R. BORA, J.
DATE : 31.07.2017

ORAL JUDGMENT :

1) With consent of the learned Counsels appearing for the parties heard finally.

2) The learned Counsel for the appellants submitted that the

appellants are now restricting their claim only to the non-grant of interest by the Reference Court under Section 28 & Section 34 of the Land Acquisition Act. He, therefore, sought leave to make the necessary amendment in the petition as well as in the prayer clause. Leave sought is granted. Necessary amendment be carried out forthwith.

3) Shri Shinde, the learned Counsel for the appellants restricted his argument only to the extent of the error committed by the Reference Court in not awarding the interest under Sections 28 and 34 of the Land Acquisition Act on the enhanced amount of compensation. The learned Counsel submitted that though in the body of the judgment the Reference Court has accepted the right of the appellants to receive the interest under Section 28 & Section 34 of the Act in accordance with the provisions thereunder, in the order clause, no such order has been passed by the Reference Court. The learned Counsel, therefore, prayed for modification of the impugned order accordingly. The learned AGP submitted that the appropriate order may be passed in view of the submission made on behalf of the appellants.

4) Perusal of the impugned order shows that the Tribunal has failed in awarding the interest to the appellants / claimants on the enhanced amount of compensation under Section 28 & Section 34 of the Act. It need not be stated that the appellants are entitled to receive the interest on the enhanced amount of compensation under Section 28 &

Section 34 of the Act in accordance with the said provisions. The award to the said extent, therefore, needs to be modified. Hence, the following order.

ORDER

1. The appellants are held entitled for the interest on the enhanced amount of compensation as has been enhanced by the Reference Court under Sections 28 & 34 of the Land Acquisition Act in accordance with law.
2. The award be modified accordingly.
3. The appeals stand allowed in the aforesaid terms.

(P. R. BORA)

JUDGE