

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) FAST NO.18696/2016group

914 FIRST APPEAL STAMP NO.18696/2016

THE EXECUTIVE ENGINEER VISHNUPURI PROJECT DIVISION NO.1,
JANGAMWADI, NANDED NOW LENDI PROJECT DIV.

VERSUS

MALANGSAB MAHBOOB AND ORS

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Advocate for Appellants: Mr. Shaikh H.M.

AGP for Respondent State: Mr. S.M. Ganachari

Advocate for respondent no.1: Mr. G.N. Chincholkar

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WITH

FAST/18938/2016

WITH

FAST/18933/2016

WITH

FAST/18978/2016

WITH

FAST/18690/2016

WITH

FAST/18692/2016

WITH

FAST/18704/2016

WITH

FAST/18699/2016

WITH

FAST/18712/2016

WITH

FAST/18710/2016

WITH

FAST/18714/2016

WITH

FAST/18943/2016

WITH

FAST/18941/2016

WITH

FAST/21389/2016

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2) FAST NO.18696/2016group

CORAM : P.R. BORA, J.

Dated: July 11, 2017

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PER COURT :-

1. As has been observed by this Court while allowing the applications for condonation of delay (CA Nos.10247/2016 in FAST No.18696/2016 with connected matters), the present appeals are immediately taken up for final disposal with the consent of the learned Counsel for the parties.

2. The only ground which has been raised by the acquiring body in exception to the impugned judgment and award is that the Reference Court has erred in awarding interest under Section 34 of the Land Acquisition Act, 1894, from the date of issuance of Section 4 notification under the said Act. Learned Counsel relied upon the judgment of the Full Bench of this Court in State of Maharashtra Vs. Kailash Shiva Rangari (2016(3) Mh.L.J. 457). Learned Counsel, therefore, prayed for setting aside the said part of the impugned judgment.

3. Learned Counsel appearing for the claimants submitted that in view of the Full Bench judgment of this Court in Kailash Shiva Rangari, cited supra, relied upon by the claimants, appropriate orders may be passed.

4. The Full Bench of this Court in the case of Kailash Shiva

agp/-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
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(3) FAST NO.18696/2016group

Rangari, cited supra, has held that 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. In view of the above, following order is passed:

ORDER

1. The impugned judgment and award/s, so far as they relate to grant of interest under Section 34 of the Act from the date of notification under Section 4 of the Act stands quashed and set aside. The interest under Section 34 of the Act is made payable from the date of award under Section 11 of the Act. The impugned award/s stand partly modified to the aforesaid extent.
2. The Appeals stand allowed in aforesaid terms without any order as to the costs.

(P.R. BORA, J.)

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