

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

910 FIRST APPEAL NO. 666 OF 2016

1. State of Maharashtra,
Through The Collector, Beed.
2. The Executive Engineer,
B.I.D. Beed. ... Appellants

VERSUS

1. Lahanu Rajaram Selake,
Age : Major,
2. Arjun Rajaram Selake,
Age : Major,
3. Jayshree Babasaheb Selake,
Age : Major
(Appeal is dismissed against R/3
vide Reg's court's order dt.21.03.17)

All by Occu.: Agriculturist,
R/o.: Ashti, Dist. Beed. Respondents

**WITH
FIRST APPEAL NO.667 OF 2016**

1. State of Maharashtra,
2. The Executive Engineer,
B.I.D., Beed. ... Appellants

VERSUS

Dhondiba Laximan Ghagare,
Age : Major, Occu.: Agriculturist,
R/o.: Sumbewadi, Tq. Ashti,
Dist. Beed. ... Respondent.

**WITH
FIRST APPEAL NO. 664 OF 2016**

1. State of Maharashtra,
2. The Executive Engineer,
B.I.D., Beed. ... Appellants

VERSUS

Namdeo Dhgondiba Ghagare,
Age : Major, Occu.: Agriculturist,
R/o.: Sumbewadi, Tq. & Dist.
Beed. ... Respondent

...
AGP for the Appellant/State : Mr. S.P. Sonpawle, AGP.
Advocate for the respondents : Mr. C. K. Shinde

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

ORAL JUDGMENT :

1. Heard finally at the admission stage.
2. On perusal of the impugned award, it is revealed that the Reference Court has enhanced the amount of compensation by determining the market value of the acquired lands at the rate of Rs.750/- per Are to Rs.1,000/- per Are. The SLO had offered the compensation at the rate of Rs.240/- to Rs.250/- per Are. The Reference Court determined the marked value on the basis of the sale instances placed on record. Having regard to the discussion made by the Reference Court, there appears no reason to cause any interference in the market value as has been determined by the Reference Court.
3. The Reference Court has, however, committed a mistake by awarding the interest under Section 34 of the Land

Acquisition Act from the date of possession. In view of the law laid down by the Full Bench 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 Act can only be awarded from the date of award and not from the date of possession and to that extent the common award impugned in the present appeals need to be modified. In view of the above, the following order is passed.

ORDER

1. All these appeals are partly allowed.
2. 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.
3. The other part of the award is maintained as it is.
4. Pending Civil applications, if any, also stand disposed of.

(P.R. BORA)
JUDGE