

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

FIRST APPEAL NO.2010 OF 2016

WITH

CA NO.12908 OF 2013

THE STATE OF MAHARASHTRA AND ANR.

VS

KAILASH BHAU KARANDE

Mr.AM Phule, AGP for appellants;
Mr.CK Shinde, Adv. For sole respondent

CORAM : P.R. BORA, J.

DATED : 29th OCTOBER, 2018.

PER COURT:-

1. Not on Board. Taken on Board.

2. When the present matter is taken up for hearing, learned counsel for the respondent tendered across the Bar a copy of Judgment delivered by this Court (Coram: Sunil P.Deshmukh,J.) in First Appeal No. 1998/2016 with connected appeals. The learned counsel submitted that the present appeal was inadvertently left out from the said group though it arises from same common Judgment and Award and from the same acquisition proceedings. The learned counsel, in the circumstances, prayed for disposing of the present appeal on the similar lines.

3. Learned AGP Shri Phule appearing for the appellants does not dispute the correctness of the facts, as are stated by the learned counsel for the respondent and submitted for passing appropriate orders.

4. I have perused the judgment delivered by this Court in FA No. 1998/2016. It is not in dispute that the present appeal arises out of the same acquisition proceedings, I, therefore, see no difficulty in disposing of the present appeal on the similar grounds. In view of the above, following order is passed, -

ORDER

i. The impugned Judgment and Award so far as it relates to grant of interest under Section 28 and 34 of The Land Acquisition Act, 1894, payable to the Respondent – claimant is quashed and set aside. Instead, the interest under both the aforesaid sections is made payable from the date of declaration of the Award under Section 11 of the Act;

ii. The impugned Award be modified

(3)

accordingly;

iii. The Appeal thus stands partly allowed in the aforesaid terms.

iv. Rest of the challenge in the appeal is dismissed.

v. The amount deposited by the State in the present appeal be transmitted to the Reference Court at Beed so as to facilitate its withdrawal by the original claimant.

vi. Pending civil application, if any, stands disposed of.

(P.R. BORA)
JUDGE

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