

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

**FIRST APPEAL NO. 2009 OF 2016
WITH
CA/12910/2013 IN FA/2009/2016**

1. The State of Maharashtra,
Through – The Collector, Beed.
 2. The Executive Engineer,
B.I.Division Beed, Dist.Beed.
- ..Appellants
[Ori. Respondents]

Versus

- Sahebrao Kanhu Anarse
Age- Major, Occu.: Agril.,
R/o.Dongargan, Tq.Ashti,
District – Beed.
- ..Respondent
[Ori. Claimant]

...
AGP for Appellant - State : Shri A.M.Phule
Advocate for Respondent : Shri C.K.Shinde
...

CORAM : P.R.BORA, J.

DATE: 26th October, 2018

PER COURT:-

1. Not on board. Taken on board.
2. When the present appeal is taken up for hearing, the Shri A.M.Phule, learned AGP as well as Shri C.K.Shinde, learned Counsel appearing for the respondent – original claimant, jointly submitted

that the present appeal is covered by the Judgment delivered by this Court (Coram: Sunil P. Deshmukh, J.) in First Appeal No.1998 of 2016 with connected appeals, on 12.03.2018. The learned Counsel submitted that the present matter was inadvertently not included in the said group. The learned Counsel, therefore, jointly prayed for disposing of the present appeal on the similar lines.

3. A copy of the Judgment delivered in First Appeal No.1998 of 2016 is tendered across the bar. It is not in dispute that the present appeal arises out of the same acquisition. The only interference, which seems to have been caused by this Court in the impugned Judgment and award is in respect of the interest awarded by the Reference Court under Sections 28 and 34 of the Land Acquisition Act, 1894 (hereinafter referred to as 'the Act').

4. For the reasons stated in the Judgment dated 12.03.2018 passed in First Appeal No.1998 of 2016 and connected appeals, the present appeal also deserves to be disposed of. Hence, the following order is passed:-

ORDER

I) Clause Nos.3 and 4 of the order in the Judgment passed in Land Acquisition No.216 of 2010 stand substituted. Instead, it is directed that the respondent – claimant is entitled for the interest under Sections 28 and 34 of the Act, from the date of declaration of the award under Section 11 of the Act.

II) Save and except the modification as above, the remaining part of the award is maintained as it is.

III) Modified award be prepared accordingly.

IV) The amount of compensation deposited in the present appeal be transmitted to the Court of Joint Civil Judge, Senior Division at Beed.

V) It would be open for the respondent – claimant to withdraw the amount as per the modified award. Balance amount be refunded to the State Government.

VI) Appeal stands partly allowed in the aforesaid terms.

VII) Pending civil application stands disposed of.

(P.R.BORA)
JUDGE