

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY  
HON'BLE SHRI JUSTICE R.G. AVACHAT  
HELD ON 14<sup>th</sup> SEPTEMBER, 2019**

**AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT AURANGABAD**

**CIVIL APPLICATION NO.14135 OF 2018  
IN FAST/5056/2018  
WITH CA/14136/2018 IN FAST/5056/2018  
WITH CA/14137/2018 IN FAST/5331/2018  
WITH CA/14139/2018 IN FAST/5331/2018**

**THE M.K.V.D.C., THROUGH EX. ENGINEER, MEDIUM PROJECT  
MAJBUTIKARAN DIV. OMERGA AND ANR  
VERSUS  
NURSAHEB SAIPAN NURSE**

-  
Mr.A.M.Gaikwad, Advocate for appellants  
Mr.R.B.Bagul, AGP for State  
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**ORDER**

Mr.Somshekhar Harsure, Executive Engineer, Osmanabad Middle Project Division, Osmanabad, is present for the acquiring body.

2. These appeals are filed by the acquiring body.

3. Mr.Somshekhar Harsure, Executive Engineer, made a statement that in view of the policy decision taken by the State Government vide Government Resolution No. संकीर्ण-२०१४/pra.kra.४९/भाम-१/अ-४ दि.३ नोव्हेंबर, २०१६ with Government Corrigendum dated 23<sup>rd</sup> February, 2017 and 13<sup>th</sup> August, 2018 to

the said Government Resolution, the Corporation has decided to settle the present appeal by accepting the market rates as are determined by the Reference Court since the same are within the outer limits, as prescribed in the aforesaid Government Resolution. He states that the appeal may be allowed to withdraw.

4. In this matter, the Reference Court has awarded interest under Section 34 or 28 of the Land Acquisition Act, 1894 on the amount of compensation in some cases from the date of possession and, in some cases from the date of issuance of the Notification under Section 4 of the Act. The learned Counsel submitted that in view of the Full Bench Judgment of this Court in the case of **the State of Maharashtra Vs. Kailash Shiva Rangari, 2016(4) BCR 1** and **State of Maharashtra Vs. Ramesh Tukaram Meshram, 2018(1) All M.R. 645**, such an interest under Section 34 or 28 of the Land Acquisition Act, 1894, granted, if any, can only be awarded from the date of award under Section 11 of the Act. The learned Counsel submitted that to the said extent the impugned awards need to be modified.

5. In view of the above, these First Appeals are disposed of as withdrawn. Civil Application, if any, stands disposed of.

6. Amount deposited in this Court, if any, be paid to the claimants.

**(K.B.CHOUHARY)**  
**Advocate**  
**Member**

**(B.G. DASGAONKAR)**  
**D.J.(Retd.)**  
**Member**

**(R.G. AVACHAT, J.)**  
**Head of the Panel**

Date: 14.09.2019  
Place: Aurangabad.

kbp