

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE R.G. AVACHAT
HELD ON 14th SEPTEMBER, 2019
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT AURANGABAD**

**FIRST APPEAL NO.1231 OF 2016
WITH
CA/9303/2015 IN FA/1231/2016**

**THE EXECUTIVE ENGINEER,
IRRIGATION PROJECT MAJBUTIKARN DIVISION OMERGA AND OTHERS
VERSUS
GOVIND DHULAPPA MALKANDE**

**WITH
FIRST APPEAL NO.1232 OF 2016
WITH
CA/9305/2015 IN FA/1232/2016**

**WITH
FIRST APPEAL NO.1233 OF 2016
WITH
CA/9307/2015 IN FA/1233/2016**

Mr.Sham Patil Advocate for appellants
Mr.L.C.Patil, Advocate for claimants

ORDER

1. These appeals are filed by the Executive Engineer, Irrigation Project Majbutikaran Division, Omerga.
2. Mr.Somshekhar Harsure, Executive Engineer, Osmanabad Middle Project Division, Osmanabad, is present for the acquiring body along with Mr.Sham Patil, learned Counsel for the appellants. Mr.Harsure made a statement that in view of the policy decision taken by the State Government vide Government Resolution No. संकीर्ण-२०१४/p.ra.kra.४१/भाम-१/अ-४ दि.

३ नोव्हेंबर, २०१६ with Government Corrigendum dated 23rd February, 2017 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.

3. 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.

4. Amount is not deposited in this Court. The amount be deposited within a period of six months from the date of

order. The claimants would be at liberty to withdraw the same.

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 In view of the above, these First Appeals are disposed of as withdrawn.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

6. In First Appeal No.1231 of 2016, learned Counsel for the claimants states that the claimants waive the amount of compensation towards the trees.

(K.B.CHOUDHARY)
Advocate
Member

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

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

Date: 14.09.2019
Place: Aurangabad.