

**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.2610 OF 2019 WITH
FIRST APPEAL NO.2611 OF 2019 WITH
FIRST APPEAL NO.2612 OF 2019 WITH
FIRST APPEAL NO.2613 OF 2019 WITH
FIRST APPEAL NO.2614 OF 2019 WITH
FIRST APPEAL NO.2615 OF 2019 WITH
FIRST APPEAL NO.2616 OF 2019 WITH
FIRST APPEAL NO.2617 OF 2019 WITH
FIRST APPEAL NO.2618 OF 2019 WITH
FIRST APPEAL NO.2619 OF 2019

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The Executive Engineer, Sina Kolegaon
Project & ors.

... APPELLANTS

VERSUS

Parmeshwar Suryawanshi

... RESPONDENT

.....

Shri S.G. Sangle, Advocate for appellants

Shri B.V. Virdhe, A.G.P. for State

Shri Abhijeet More, Advocate for Respondents

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ORDER

1. These are the appeals filed by Executive Engineer,
Sina Kolegaon Project, Paranda, District Osmanabad.

2. Mr. Somshekhar Harsure, Executive Engineer,

Osmanabad Middle Project Division, Osmanabad, is present for the acquiring body. Mr.Harsure made a statement that in view of the policy decision taken by the State Government vide Government Resolution No. संकीर्ण-२०१४/pra.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 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 on behalf of claimants 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**, such an interest under Section 34 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. In view of the above, these First Appeals are disposed of as withdrawn. Civil Application, if any, stands

disposed of.

5. If the amount is not deposited, the amount to be deposited within a period of six months from the date of order. The claimants would be at liberty to withdraw the same.

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 In view of the above, these First Appeals are disposed of as withdrawn.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

(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

fmp/