

**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 (STAMP) NO.28236 OF 2010
IN
WITH
CIVIL APPLICATION NO.15937 OF 2010
WITH
CA/15935/2010 WITH CA/15936/2010**

**G.M.I.D.C. LTD., THROUGH EXECUTIVE DIRECTOR AND ANR
VERSUS
BALIRAM DHONDIBA MANE AND ORS**

**AND
FIRST APPEAL (STAMP) NO.28240 OF 2010
WITH
CIVIL APPLICATION NO.15972 OF 2010
WITH
CA/15970/2010 WITH CA/15971/2010**

**GODAVARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION
LTD., THROUGH ITS EXECUTIVE
VERSUS
UTTAM MAHADU MANE AND ORS**

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Mr. Sambhaji Tope, Advocate for appellants

Mr. A.P.Basarkar, AGP for respondents – State

Respondents/claimants - served

ORDER

Mr.Salim Shaikh, Sr. Engineer, G.M.I.D.C., Division
No.1, Nanded, is present for the acquiring body.

2. These appeals are filed by the acquiring body.

3. Mr.Salim Shaikh, Sr. Engineer, 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 and 13th 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 In view of the above, these First Appeals are disposed of as withdrawn.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. CHOUDHARY)
Advocate
Member

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

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

Date: 14.09.2019
Place: Aurangabad.

kbp