

**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.30398 OF 2011
WITH
CIVIL APPLICATION NO.4990 OF 2012
WITH
CIVIL APPLICATION NO.4989 OF 2012**

**GODAWARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION
VERSUS
PRAVIN SANKARAPPA MUKKANWAR AND ORS**

**WITH
FIRST APPEAL (STAMP) NO.30397 OF 2011
WITH
CA/4992/2012 IN FAST/30397/2011
WITH
CA/4993/2012 IN FAST/30397/2011**

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Mrs. Kalpalata Patil-Bharaswadkar, Advocate for appellants

Mr. V.S.Kadam, Advocate for respondent no.1 in F.A.St. No.30398/2011

Mr. A.S.Kadam, Advocate for respondent no.1 in F.A. St. No.30397/2011

Mr. B.V.Virdhe, AGP for respondent nos.2 and 3

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 In view of the above, these First Appeals are disposed of as withdrawn.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.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