

**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

**937 FIRST APPEAL NO.3370 OF 2017
WITH
CA/11863/2017 IN FA/3370/2017**

**THE EXECUTIVE ENGINEER, MEDIUM PROJECT, OSMANABAD
VERSUS
KAMALAKAR CHATUR PALKE AND ORS**

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Mr.R.C.Patil, Advocate for appellant
Mr.Abhijeet More, Advocate for respondent
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. This appeal is 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.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 In view of the above, this First Appeal is disposed of as withdrawn.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.CHOU DHARY)
Advocate
Member

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

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

Date: 14.09.2019
Place: Aurangabad.

kbp