

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**2 CIVIL APPLICATION NO.1132 OF 2021
IN FIRST APPEAL (STAMP) NO.1535 OF 2021
THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM
PROJECT DIVISION, OSMANABAD AND ORS**

VERSUS

PRABHAKAR SHRIPATI PATIL

WITH

**CIVIL APPLICATION NO.1134 OF 2021
IN FIRST APPEAL (STAMP) NO.1634 OF 2021
THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM
PROJECT DIVISION, OSMANABAD AND ORS**

VERSUS

SAGYANBAI SHRIPATI PATIL

WITH

**CIVIL APPLICATION NO.1136 OF 2021
IN FIRST APPEAL (STAMP) NO.1619 OF 2021
THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM
PROJECT DIVISION, OSMANABAD AND ORS**

VERSUS

TATYARAO SHRIPATI PATIL

WITH

**CIVIL APPLICATION NO.1138 OF 2021
IN FIRST APPEAL (STAMP) NO.1625 OF 2021
THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM
PROJECT DIVISION, OSMANABAD AND ORS**

VERSUS

RAJESH MADHAV BHOSALE

AND

**4 CIVIL APPLICATION NO.1164 OF 2021
IN FIRST APPEAL (STAMP) NO.1935 OF 2021
THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM
PROJECT DIVISION OSMANABAD AND ORS**

VERSUS

KESHAV GYANBA MORE

WITH

**CIVIL APPLICATION NO.1166 OF 2021
IN FIRST APPEAL (STAMP) NO.1798 OF 2021
THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM
PROJECT DIVISION OSMANABAD AND ORS**

VERSUS

NAGORAO GYANBA PATIL (DIED) THROUGH LRs
PRABHAKAR NAGORAO PATIL

...
Mr. Rahul A. Tambe, Advocate for the
applicants.

...
CORAM : V.L.ACHLIYA, J.
DATE : 25.01.2021

ORAL ORDER :

Heard.

2. In brief it is the contention of learned counsel for the applicants that the enhancement of compensation is excessive. It is further submitted that the interest awarded U/Sec. 28 of the Land Acquisition Act from the date of possession is contrary to the Full Bench decision of this Court in the case of *State of Maharashtra Vs. Kailash Shiva Rangari* reported in *2016(3) Mh.L.J. 457*. In this background, learned counsel submits that the applicants have good case to succeed in appeals.

3. On due consideration of submissions advanced and further taking note that the acquisition is made in the year 2001 and the applicants are deprived of their legitimate claim for compensation, the following order is passed :-

ORDER

(i) The applications are allowed in terms of prayer clause "B" in the respective applications subject to deposit of amount in terms of award passed by the Reference Court within 12 weeks from the date of passing of order.

(ii) Failure to deposit the amount within 12 weeks, the interim stay granted stands vacated without further reference to the Court.

(iii) The applications are disposed of in above terms.

**[V.L.ACHLIYA]
JUDGE**

SGA