

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

9 FIRST APPEAL NO.386 OF 2004

The State of Maharashtra, through
District Collector, Beed

APPELLANT

V E R S U S

Dadarao S/o Baliram Gangane
[Died, L.Rs.]

RESPONDENTS

- 1] Narsing s/o Dadarao Gangane, Age Major,
Occupation Agriculture, Resident of
Radi, Taluka Ambajogai, Dist. Beed
- 2] Vishnu s/op Dadarao Gangane, Age Major,
Occupation Agriculture, Resident of
Radi, Taluka Ambajogai, Dist. Beed
- 3] Dattatraya s/o Dadarao Gangane, Age Major,
Occupation Agriculture, Resident of
Radi, Taluka Ambajogai, Dist. Beed
- 4] Smt. Kusum w/o Pramajo Agle, Age Major,
Occupation Agriculture, Resident of
Radi, Taluka Ambajogai, Dist. Beed
- 5] Sou. Sunanda w/o Bhagwat Shinde, Age Major,
Occupation Household, Resident of
Radi, Taluka Ambajogai, Dist. Beed
- 6] Sou. Sakhubai w/o Anantrao Gaikwad, Major,
Occupation Household, Resident of
Radi, Taluka Ambajogai, Dist. Beed

...
Mr. B.V. Virdhe, A.G.P. for the appellants-State
Mr. N.B. Jadhav, Adv. For respondent Nos.1 to 3
...

W I T H

10 FIRST APPEAL NO.387 OF 2004

The State of Maharashtra, Through
Collector Beed

APPELLANT

V E R S U S

Sharad Shankarrao Gangne, Age 24 years,
Occupation Education and Agriculture,
Resident of Radi, Tq. Ambajogai,
District Jalgaon

RESPONDENT

...
Mr. S.S. Dande, A.G.P. for the appellant-State
Mr. N.B. Jadhav, Adv. for the respondent
...

CORAM : ANIL S. KILOR, J.
DATE : 30th APRIL, 2021

ORAL JUDGMENT :

Both these Appeals are arising out of the common Judgment and Award passed by the II Addl. District Judge, Ambajogai, dated 26th August, 2002, in Land Acquisition Reference Nos. 53 of 1992 and 52 of 1992 enhancing the amount of compensation towards land acquired.

2. The lands in question were acquired for percolation tank situated in the village limit of Radi, Taluka Ambajogai, District Beed. The notification under Section 4 of the Land Acquisition

Act was issued on 11th January, 1990 and Award was passed on 26th June, 1992. Being dissatisfied with the same, the claimant preferred Reference under Section 18 of the Land Acquisition Act for enhancement of the compensation.

3. The Reference Court after considering the oral as well as documentary evidence, enhanced the compensation which is questioned in the present appeals.

4. It is pointed out by the learned counsel for the claimants that the amount granted by the learned Reference Court is within 4 times of the amount granted by the SLAO and, therefore, as per the Government Resolution dated 3rd November, 2016, wherein it has been decided by the Government that if the enhancement is within four times of the amount granted by the Land Acquisition Officer, no Appeal shall be filed or contested.

5. Apart from the said reason, even on merit, after going through the record and proceedings and after perusing the impugned Judgment and Award, I do not find any perversity in the findings recorded by the learned Reference Court as per the oral as well as documentary evidence placed on record.

6. Nothing has been shown contrary to the findings of the trial Court and, in that view of the matter, I do not find any error committed by the learned Reference Court in granting enhancement in these matters.

7. However, the operative part of the impugned Judgment and order needs to be modified in view of the judgment of Full Bench in the case of ***State of Maharashtra versus Kailash Shiva Rangari***, reported in ***2016 (4) All M.R. 513***. Accordingly, I proceed to pass following order :-

O R D E R

[1] Both Appeals are partly allowed.

[2] The operative part 1-A and part 1-B of the impugned Judgment and awards is modified and thereby interest is granted @ 9% per annum from the date of Award for the first year and for subsequent period @ 15% per annum.

(ANIL S. KILOR, J.)