

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

FIRST APPEAL NO.404 OF 2003

- 1) The State of Maharashtra,
Through Collector, Nanded,
- 2) The SLAO, UPP No.1, Nanded.

**...APPELLANTS
(Orig. Respondents)**

VERSUS

Ghanshyam s/o Piraji
Age-50 years, Occu:Agri.,
R/o-Baradshevala,
Tq-Hadgaon, District-Nanded

**...RESPONDENT
(Orig. Claimant)**

A N D

FIRST APPEAL NO.416 OF 2003

- 1) The State of Maharashtra,
Through Collector, Nanded,
- 2) The SLAO, UPP No.1, Nanded.

**...APPELLANTS
(Orig. Respondents)**

VERSUS

Rangrao s/o Shamrao Maske
Age-25 years, Occu:Agri.,
R/o-Baradshevala,
Tq-Hadgaon, District-Nanded

**...RESPONDENT
(Orig. Claimant)**

A N D

FIRST APPEAL NO.543 OF 2003

- 1) The State of Maharashtra,
Through Collector, Nanded,
- 2) The SLAO, UPP No.1, Nanded.

**...APPELLANTS
(Orig. Respondents)**

VERSUS

Vithal s/o Shamrao,
Age-55 years, Occu:Agri.,
R/o-Baradshevala,
Tq-Hadgaon, District-Nanded

**...RESPONDENT
(Orig. Claimant)**

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Mr.S.S. Dandē, A.G.P. for Appellant.
Ms.Nirmala K. Helkute Advocate h/f. Ms. Ranjana D. Reddy
Advocate for Respondents in First Appeal Nos. 404 of 2003
and 543 of 2003.
None present for Respondent in First Appeal No.416 of 2003,
though served.

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CORAM: ANIL S. KILOR, J.

DATE : 28th APRIL, 2021

ORAL ORDER :

1. These are the appeals arising out of common

Judgment and award dated 13th April 1994 passed by the Civil Judge, Senior Division, Nanded in Land Acquisition Reference Nos. 29 of 1991, 100 of 1992, 30 of 1991, and 32 of 1991, enhancing the compensation from Rs. 252 per R to Rs. 452/- per R towards land acquired.

2. I have heard learned counsel appearing for the respective parties.

3. Learned AGP appearing for the appellants opposed the grant of Rs. 452/- per R on the ground that it is contrary to the record and the same is exorbitant.

4. On the other hand, learned counsel appearing for the respondents – claimants supports the Judgment and award impugned in the appeals and prays for dismissal of the appeals on the ground that there is no perversity in the impugned Judgment and award.

5. To consider the rival contentions of the parties, I

have perused the record and proceedings and also the Judgment and award impugned in these appeals.

6. Learned Reference Court while enhancing the compensation, has considered all the relevant factors and oral as well as documentary evidence available on record, whereas the learned AGP failed to point out any contrary evidence to show that amount determined by the learned Reference Court is not just and fair but exorbitant. In absence of any contrary evidence available on record, I do not find any error committed by the learned Reference Court while granting Rs. 452 per R towards enhanced compensation.

7. Moreover, in view of the policy decision of the State Government, as per Government Resolution dated 3rd November 2016 and corrigendum issued to the to the same, whereby it was resolved not to file or contest any appeal wherein the amount is well within four times. In the present matters, admittedly, the Special Land Acquisition Officer had granted Rs. 252/- per R whereas it has been enhanced by the Reference Court to Rs. 452/- per R, which is well within four times. Thus, I do not

find any merit in the contention of the learned AGP that the compensation awarded by the Reference Court is exorbitant.

8. However, the Judgment and award requires to be modified to the extent of the amount of interest under Section 28 of the Land Acquisition Act which is granted from the date of possession, whereas it should have been from the date of award as per the Judgment of the Full Bench of this Court in a case of ***State of Maharashtra vs. Kailash Shiva Rangari*¹**.

9. Accordingly, the present appeals need to be partly allowed, as under:-

ORDER

(I) The appeals are partly allowed.

(II) The clauses in respect of granting interest under Section 28 of the Land Acquisition Act, 1894, from the date of possession, of the operative part of the Judgment and award dated 13th April 1994 passed by the Civil Judge, Senior Division, Nanded in Land Acquisition Reference No. 100 of 1992, Land Acquisition Reference No. 30 of 1991, and Land Acquisition Reference No. 32 of 1991 are modified,

¹ 2016(4) ALL MR 513 (F.B.)

and it is held that the claimants are entitled for the interest under Section 28 of the Land Acquisition Act, 1894, from the date of Award. For the first year the interest would be at the rate of 9% per annum and for the subsequent period it would be at the rate of 15% per annum till realization of the entire amount of the Award.

(III) No order as to costs.

[ANIL S. KILOR, J.]

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