

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

FIRST APPEAL NO.230 OF 2017

Executive Engineer, Osmanabad
Minor Irrigation Division & ors.

... APPELLANT

VERSUS

Dashrath Shrirang Kale

... RESPONDENT

.....

Mr. B.R. Surwase, Advocate for appellant No.1
Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. L.C. Patil, Advocate for respondent

.....

WITH

**CIVIL APPLICATION NO.5385 OF 2021 IN
FIRST APPEAL NO.230 OF 2017**

Dashrath Shrirang Kale, Died L.Rs.
Indubai Dashrath Kale & ors.

... APPLICANTS

VERSUS

The State of Maharashtra & ors.

... RESPONDENTS

.....

Mr. A.B. Kale, Advocate for applicants
Mr. S.S. Dande, A.G.P. for respondents No.1 and 2
Mr. B.R. Surwase, Advocate for respondent No.3.

.....

WITH

FIRST APPEAL NO.228 OF 2017

Executive Engineer, Osmanabad
Minor Irrigation Division & ors.

... APPELLANT

VERSUS

Ashok Goverdhan Jamale & ors.

... RESPONDENTS

.....

Mr. B.R. Surwase, Advocate for appellant No.1

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Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. L.C. Patil, Advocate for respondents

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WITH

FIRST APPEAL NO.229 OF 2017

Executive Engineer, Osmanabad
Minor Irrigation Division & ors. ... APPELLANT

VERSUS

Dagadu Bhau Dhumal, Died L.R.
Kakasaheb Dagadu Dhumal ... RESPONDENT

.....

Mr. B.R. Surwase, Advocate for appellant No.1
Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. A.B. Kale, Advocate for respondent

.....

WITH

FIRST APPEAL NO.231 OF 2017

Executive Engineer, Osmanabad
Minor Irrigation Division & ors. ... APPELLANT

VERSUS

Kisan s/o Tukaram Chavan ... RESPONDENT

.....

Mr. B.R. Surwase, Advocate for appellant No.1
Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. A.B. Kale, Advocate for respondent

.....

WITH

FIRST APPEAL NO.232 OF 2017

Executive Engineer, Osmanabad
Minor Irrigation Division & ors. ... APPELLANT

VERSUS

Laxman Sopan Chavan, Died L.Rs.
Ashok Laxman Chavan & ors. ... RESPONDENTS

:: 3 ::

.....
Mr. B.R. Surwase, Advocate for appellant No.1
Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. A.B. Kale, Advocate for respondents

.....
WITH

FIRST APPEAL NO.233 OF 2017

Executive Engineer, Osmanabad
Minor Irrigation Division & ors. ... **APPELLANT**
VERSUS
Shrimant s/o Narayan Chavan ... **RESPONDENT**

.....
Mr. B.R. Surwase, Advocate for appellant No.1
Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. A.B. Kale, Advocate for respondent

.....
WITH

FIRST APPEAL NO.234 OF 2017

Executive Engineer, Osmanabad
Minor Irrigation Division & ors. ... **APPELLANT**
VERSUS
Manohar Baburao Hogale ... **RESPONDENT**

.....
Mr. B.R. Surwase, Advocate for appellant No.1
Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. A.B. Kale, Advocate for respondent

.....
WITH

FIRST APPEAL NO.235 OF 2017

Executive Engineer, Osmanabad
Minor Irrigation Division & ors. ... **APPELLANT**
VERSUS
Ramchandra Deorao Kale ... **RESPONDENT**

:: 4 ::

.....
Mr. B.R. Surwase, Advocate for appellant No.1
Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. A.B. Kale, Advocate for respondent
.....

WITH

**CIVIL APPLICATION NO.2014 OF 2021 IN
FIRST APPEAL NO.235 OF 2017**

Ramchandra Deorao Kale ... **APPLICANT**
VERSUS
The State of Maharashtra & ors. ... **RESPONDENTS**

.....
Mr. A.B. Kale, Advocate for applicant
Mr. S.S. Dande, A.G.P. for respondents No.1 and 2
Mr. B.R. Surwase, Advocate for respondent No.3.
.....

WITH

FIRST APPEAL NO.236 OF 2017

Executive Engineer, Osmanabad
Minor Irrigation Division & ors. ... **APPELLANT**
VERSUS
Vinayak Mahadeo Chavan ... **RESPONDENT**

.....
Mr. B.R. Surwase, Advocate for appellant No.1
Mr. S.S. Dande, A.G.P. for appellants No.2 and 3
Mr. A.B. Kale, Advocate for respondent
.....

CORAM : R. G. AVACHAT, J.

DATE : 5th AUGUST, 2021

PER COURT :

Heard learned counsel for the parties. The dispute pertains only to the date from which the interest is to be awarded. The Reference Court has granted it @ 9% p.a. from the date 20/8/2004 i.e. on which the Notification under Section 4 of the Land Acquisition Act was published. The learned counsel are at one to submit that, in view of the judgment in the case of **State Vs. Kailash Shiva Rangari [2016 (3) Mh.L.J. 457]**, the interest ought to have been awarded from the date of award. In the present case, the date of award is 3/10/2013. To that extent, the impugned award passed by the Reference Court needs to be modified. Hence the order :

ORDER

(i) In clause 5 of the impugned award dated 3/10/2013, the date 20/8/2004 be replaced with 17/4/2006. To that extent, the award stands modified. Rest of the terms of the award to stand unaltered.

(ii) The amount in deposit with this Court/ Reference Court be paid to the claimants in terms of the modified award and the balance amount be paid back to the acquiring body.

(iii) First Appeals are disposed of accordingly.

(iv) The Civil Applications stand disposed of in terms of the above order.

**(R. G. AVACHAT)
JUDGE**

fmp/-