

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

936 FIRST APPEAL NO.50 OF 2021

**WITH FA/51/2021 WITH FA/52/2021 WITH FA/53/2021
WITH FA/54/2021 WITH FA/55/2021 WITH FA/56/2021
WITH FA/67/2021 WITH FA/68/2021 WITH FA/74/2021
WITH FA/58/2021 WITH FA/59/2021 WITH FA/65/2021
WITH FA/64/2021 WITH FA/61/2021 WITH FA/62/2021
WITH FA/73/2021 WITH FA/63/2021 WITH FA/69/2021
WITH FA/70/2021 WITH FA/57/2021 WITH FA/60/2021
WITH FA/72/2021 WITH FA/95/2021 WITH FA/66/2021
WITH FA/94/2021 WITH FA/71/2021**

**G.M.I.D.C., AURANGABAD THR ITS EX. ENGINEER, MINOR
IRRIGATION DIVISION, LATUR**

VERSUS

**RAMA SHANKAR SURWASE (DIED) LRS RUKHMINIBAI AND
ORS**

Mr. R. D. Biradar, Advocate for the appellant

Mr. S. Y. Patil, Advocate for respondent Nos. 1/1 to 1/6 and R/3/1 to 3/3

Mr. A. A. Jagatkar, AGP for the respondent/State

CORAM : V. L. ACHLIYA, J.

DATE : 22-01-2021

P. C.

1. Learned counsel for the appellant-acquiring body and the respondents/claimants tendered consent terms seeking disposal of appeals in terms of consent terms. The consent terms taken on record and marked as 'X' for identification.

2. Mr. Anant Kumbhar, Sub Divisional Engineer, Latur

present on behalf of the acquiring body submits that the appellant acquiring body has agreed to the terms of settlement as mentioned in the consent terms.

3. Learned counsel for the appellant submits that the appeals filed raises challenge to the judgment and order dated 10-09-2008 passed by the reference court in LAR Nos. 183 to 187, 189, 191 to 196, 198, 199, 203, 205 to 207, 211, 215 to 222 of 1987. The appeals have been filed on various grounds including the award of interest under Section 28 of the Land Acquisition Act from the date of notification/possession of land.

4. During the course of hearing of the applications seeking condonation of delay filed in respective appeals by the appellant, the proposal was put-forth for settlement of claim in appeals by restricting the claim to the extent of challenge raised as to the award of interest under Section 28 of the Land Acquisition Act by the reference court from the date of notification/possession which is contrary to full bench decision of this court in the case of the *State of Maharashtra Vs Kailash Shiva Rangar reported in 2016(3)Mh.L.J.457*. It is submitted that the claimants have agreed to the proposal put-forth by the appellant to modify the award passed by the reference court making the interest to payable under Section 28 of the Land Acquisition Act to be payable from the date of award instead of date of notification /possession. Accordingly, the consent terms have been prepared and filed in the appeals.

5. On due consideration of the submissions advanced, I am of the view that the appeals deserve to be disposed of in terms of consent terms filed as 'X' for identification. Accordingly, the following order is passed:

ORDER

- i. The appeals are disposed of in terms of consent terms filed as 'X' for identification.
- ii. Decree be drawn up accordingly.

[V. L. ACHLIYA, J.]