

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

FIRST APPEAL NO.662 OF 2020

**THE EXECUTIVE ENGINEER, MEDIUM PROJECT,
OSMANABAD DIVISION, OSMANABAD**

VERSUS

BABURAO KERBA PADE AND ORS

AND

FIRST APPEAL NO.665 OF 2020

AND

FIRST APPEAL NO.663 OF 2020

Ms.Sunita Shelke, Advocate for appellants

Mr.S.A.Wakure, Advocate for respondent nos.1 and 2

Mr.R.B.Bagul, AGP for respondent no.3

CORAM : R.G. AVACHAT, J.

DATE : SEPTEMBER 16, 2021

ORDER :-

In all these appeals, enhancement granted by the reference Court is not more than four times of the compensation awarded by the S.L.A.O. The State has a policy not to prefer appeal in such cases. No exception is made out. Interest has, however, been awarded from the date of the notification under Section 4 of the Land Acquisition Act, instead of awarding the same from the date of award. The same is in breach of the dictum of Full Bench judgment in the case of **State of Maharashtra Vs. Kailash Shiva Rangari, 2016(3) Mh.L.J. 457**. To that extent, the impugned award needs to be modified.

2. In view of the same, the appeals are partly allowed in terms of following order:-

(i) The date "16.03.1993" appearing in clause 7 of the impugned award, is replaced with the date "12.07.2012". Rest of the terms of the impugned award to stand unaltered.

(ii) The amount in deposit be paid to the respondent/ claimants along with interest accrued thereon.

(iii) Balance amount be paid back to the appellant/acquiring body.

[R.G. AVACHAT, J.]

KBP