

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

FIRST APPEAL NO.785 OF 2002

The State of Maharashtra,
(Through the Special Land Acquisition
Officer, Jalgaon, District-Jalgaon).

**...APPELLANT
(Orig. Respondent)**

VERSUS

Tejosing Abhiman Patil,
Age-Major, Occu:Agri.,
R/o-Ozarkheda, Taluka-Bhusawal,
District-Jalgaon

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

A N D

FIRST APPEAL NO.786 OF 2002

The State of Maharashtra,
(Through the Special Land Acquisition
Officer, Jalgaon, District-Jalgaon).

**...APPELLANT
(Orig. Respondent)**

VERSUS

Vishwanath Shrawan Namade (deceased)
LR's
Vasant Vishwanath Namade and others
Occu:Agri., R/o-Ozarkheda,
Taluka-Bhusawal,
District-Jalgaon

**...RESPONDENTS
(Orig. Claimant)**

A N D

FIRST APPEAL NO.787 OF 2002

The State of Maharashtra,
(Through the Special Land Acquisition
Officer, Jalgaon, District-Jalgaon).

**...APPELLANT
(Orig. Respondent)**

VERSUS

Nathu Abhiman Patil
Age-Major, Occu:Agri.,
R/o-Ozarkheda, Taluka-Bhusawal,
District-Jalgaon

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

...
Mr.S.S. Dande, A.G.P. for Appellant in all appeals.
Mr.A.B. Kale, Advocate for Respondents in all appeals.
...

CORAM: ANIL S. KILOR, J.

DATE : 28th APRIL, 2021

ORAL JUDGMENT :

1. These are the appeals arising out of common Judgment and award dated 18th August 1997 passed by the IInd Joint Civil Judge, Senior Division, Jalgaon in Land Acquisition Reference Nos. 105 of 1994, 106 of 1994, 107 of 1994 and 111 of 1994 granting enhancement to the tune of Rs.600 per R for

irrigated land and Rs.335/- per R for non-irrigated land, from Rs.500/- per R for irrigated land.

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

3. Learned A.G.P. submits that the amount granted by the learned reference court is exorbitant and the reference court failed to consider the sale instances considered by the Special Land Acquisition Officer while issuing the award.

4. After going through the record and proceedings and on perusing the impugned Judgment and award, I have no hesitation to hold that the learned reference court after considering relevant factors for determining the amount of compensation has arrived at Rs.600/- per R in relation to irrigated land whereas Rs.335/- per R for non-irrigated land. In absence of any contra evidence or perversity in the findings recorded by the Reference Court in Para 18 and 19 of the impugned Judgment, wherein the learned Reference Court has rightly relied upon the sale instanced produced by the claimants,

which are admittedly of a period prior to issuance of Section 4 notification, no interference is needed in this matter.

5. Moreover, there is no dispute that enhanced amount of compensation is within four times than the amount awarded by the Special Land Acquisition Officer. 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, it has been resolved that no appeal shall be filed or contested where the amount is well within four times and therefore, I do not find any substance in the contention of the learned AGP that the amount of compensation granted by the Reference Court is exorbitant.

6. 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***, (supra).

7. Accordingly, the present appeals need to be partly

allowed, as under:-

ORDER

(I) The appeals are partly allowed.

(II) The clauses in respect of the 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 18th August 1997 passed by the reference Court i.e. IInd Joint Civil Judge, Senior Division, Jalgaon in Land Acquisition Reference Nos. 105 of 1994, 107 of 1994 and 111 of 1994 are modified, 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.]