

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.930 OF 2005

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|---|---|
| 1. The State of Maharashtra
Through District Collector, Nanded. | |
| 2. The Special Land Acquisition Officer,
PT/MIW-2, Collectorate, Nanded. | |
| 3. The Executive Engineer,
Medium Project Talni Office, Nanded. | .. Appellants
(Original Respondents) |

Versus

Kondiba Rama Dubakwad, Age Major, Occu. Agri., R/o. Lohgaon, Taluka Biloli, District Nanded.	.. Respondent (Original claimant)
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AND

FIRST APPEAL NO. 931 OF 2005

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|---|---|
| 1. The State of Maharashtra
Through District Collector, Nanded. | |
| 2. The Special Land Acquisition Officer,
PT/MIW-2, Collectorate, Nanded. | |
| 3. The Executive Engineer,
Medium Project Talni Office,
Nanded. | .. Appellants
(Original Respondents) |

Versus

Satwaji Sayanna Dubakwad, Age 30 years, Occu. Agri., R/o. Lohgaon, Taluka Biloli, District Nanded.	.. Respondent (Original claimant)
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AND

FIRST APPEAL NO. 932 OF 2005

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| 1. The State of Maharashtra
Through District Collector, Nanded. | |
| 2. The Special Land Acquisition Officer,
PT/MIW-2, Collectorate, Nanded. | |
| 3. The Executive Engineer,
Medium Project Talni Office,
Nanded. | .. Appellants
(Original Respondents) |

Versus

Anandrao Rama Dubakwad,
Age Major, Occu. Agri.,
R/o. Lohgaon, Taluka Biloli,
District Nanded.

.. Respondent
(Original claimant)

...

AND

FIRST APPEAL NO. 933 OF 2005

1. The State of Maharashtra
Through District Collector, Nanded.
2. The Special Land Acquisition Officer,
PT/MIW-2, Collectorate, Nanded.
3. The Executive Engineer,
Medium Project Talni Office,
Nanded.

.. Appellants
(Original Respondents)

Versus

Maroti S/o. Rama Dubakwad,
Age Major, Occu. Agri.,
R/o. Lohgaon, Taluka Biloli,
District Nanded.

.. Respondent
(Original claimant)

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AND

FIRST APPEAL NO. 934 OF 2005

1. The State of Maharashtra
Through District Collector, Nanded.
2. The Special Land Acquisition Officer,
PT/MIW-2, Collectorate, Nanded.
3. The Executive Engineer,
Medium Project Talni Office,
Nanded.

.. Appellants
(Original Respondents)

Versus

Poshatti Rama Dubakwad,
Age 45 years, Occu. Agri.,
R/o. Lohgaon, Taluka Biloli,
District Nanded.

.. Respondent
(Original claimant)

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**AND
FIRST APPEAL NO. 935 OF 2005**

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|---|---|
| 1. The State of Maharashtra
Through District Collector, Nanded. | |
| 2. The Special Land Acquisition Officer,
PT/MIW-2, Collectorate, Nanded. | |
| 3. The Executive Engineer,
Medium Project Talni Office,
Nanded. | .. Appellants
(Original Respondents) |

Versus

Kerba Rama Dubakwad, Age 50 years, Occu. Agri., R/o. Lohgaon, Taluka Biloli, District Nanded.	.. Respondent (Original claimant)
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Mr. B. V. Virdhe, AGP for the appellants in all the matters.
Respondents-claimants served.

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CORAM : ANIL S. KILOR, J.
DATE : 5th MAY, 2021

ORAL ORDER :-

The present Appeals are arising out of the Judgment and Award dated 29-04-2005 passed in Land Acquisition References No. 157, 255, 254, 256, 250 and 261 of 2002 by the learned Reference Court, enhancing the amount of compensation for the acquired lands.

2. The lands-in-question are acquired for the construction of Talni Medium Project at village Lohagaon, Taluka Biloli, District Nanded. The notification under Section 4 of the Land Acquisition Act, 1894, was issued on 30-09-1996. Thereafter, the Award was passed on 29-03-2000. Feeling dis-satisfied with the amount of compensation granted by the Special Land Acquisition Officer, References were preferred under Section 18 of the Land Acquisition Act, 1894, in which, the amount has been enhanced to the tune of Rs.73,000/- and Rs.88,800/- per Hectare from Rs.75,000/- and Rs.60,000/- per Hectare. The said Judgment and Award is under challenge in these Appeals.

3. I have heard the learned AGP for the appellant-State of Maharashtra. Despite service of notice, no appearance is caused on behalf of respondents-claimants.

4. The only ground challenging the impugned Judgment and Award is that, the amount granted by the learned Reference Court is exorbitant. It is pointed out that the interest under Section 28 of the L.A. Act ought to have granted from the date of Award, but, has been granted from the date of notification under Section 4 of the L. A. Act, contrary to Judgment of the Full Bench of this Court in a case of ***State of Maharashtra Versus Kailash Shiva Rangari***¹.

5. To consider the contentions of the learned AGP, I have gone through the record and proceedings and also the impugned Judgment and Award.

6. After going through the Judgment and Award, it is revealed that the learned Reference Court has scrutinized the oral as well as documentary evidence available on record in detail, while determining the market value. The learned Reference Court has also considered the relevant factors which are to be taken into consideration as per the well settled principles of law, while arriving at a just and fair compensation.

7. It is admitted position that the appellants have not adduced any oral or documentary evidence either to establish that the amount awarded by the Special Land Acquisition Officer was just and fair or the amount claimed by the claimants is exorbitant. The learned Reference Court has given justifiable reasons in paragraph No. 17 of the Judgment and arrived at enhanced market value as fixed by the learned Reference Court to the tune of Rs.73,000/- to Rs.88,000/- per Hectare, which is according to me is just and proper.

1 2016(4) ALL MR 513 (FB.)

8. Nothing has been brought on record by the appellants in this matter to show contrary or to show perversity in the findings recorded by the learned Reference Court. In that view of the matter, I do not find any merit in the present matters.

9. Moreover, in view of the Government policy not to file or to contest appeal in the matter wherein the amount awarded by the learned Reference Court is not more than four times than the amount awarded by SLAO, as per Government Resolution dated 03-11-2016 and subsequent corrigendum dated 23-02-2017 issued in that regard, I am of the view that on this count also the appeals need to be dismissed.

10. However, in view of the Judgment of Full Bench in ***State of Maharashtra Versus Kailash Shiva Rangari (supra)***, operative part of the impugned Judgment and Award needs to be modified and the interest awarded by learned Reference Court 'from the date of taking possession of the land' needs to be granted 'from the date of Award'.

11. Accordingly, the Appeals are partly allowed as under :

ORDER

- (I) The First Appeals are partly allowed.
- (II) The clause in regard to awarding of interest, in the operative part of the impugned Judgment and Award, passed by the Reference Court is 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 @ 9% per annum and for the subsequent period, it would be @ 15% per annum till realization of the entire amount of the Award.
- (III) No order as to costs.
- (IV) Pending Civil Applications stand disposed of.

(ANIL S. KILOR)
JUDGE