

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

**CIVIL APPLICATION NO. 8140 OF 2020
IN
FIRST APPEAL (ST) NO. 14976 OF 2020**

The Executive Engineer,
Latur Minor Irrigation Division
and Others

..APPLICANTS

VERSUS

Tushar Kamlakar Suryawanshi
Minor Under Guardianship of
Surekha Kamlakar Suryawanshi

..RESPONDENT

....

Mr. R.D. Reddy, Advocate for applicants
Mr. B.M. Dhanure, Advocate for respondent

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**CORAM : R.G. AVACHAT, J.
DATED : 13th OCTOBER, 2021**

PER COURT :

1. Heard.

2. There is delay of 892 days in preferring the appeal. It is true that merits of the matter cannot be gone into while deciding the application for condonation of delay. However, it has been brought to the notice of the Court that the appellant – acquiring body does discrimination with the respondents herein. The land of the uncle of the respondent – claimant from the very gut number was acquired for the very purpose under the same

proceeding of land acquisition. The applicant – acquiring body has not preferred appeal thereagainst. Moreover, the enhancement is either not more than four times or little over the same.

3. Learned counsel for the respondent – claimant makes a concession that he would not claim interest under Sections 28 and 34 of the Land Acquisition Act ('the Act') for the period which has been wrongly granted by the reference Court in breach of directions of the Full Bench judgment in the case of *State of Maharashtra vs. Kailash Shiva Rangari* reported in **2016 (4) ALL MR 513**.

4. As such, the application is rejected. The amount of compensation, if any, deposited with this Court be paid to the respondents/claimants alongwith interest accrued thereon. The balance amount, if any, be paid back to the applicant – acquiring body alongwith interest accrued thereon. Interest under Sections 28/34 of the Act be paid from the date of award and not from the date of notification under Section 4 of the Act.

(R.G. AVACHAT, J.)

SSD