

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

FIRST APPEAL NO. 812 OF 2021

Sheshabai Kashinath Panchade
Age: 60 years, Occu: Housewife,
R/o Marajwadi, Tq. Mukhed,
Dist. Nanded

... Appellant
(Ori. Claimant)

Versus

1. The State of Maharashtra
through District Collector, Nanded
2. Special Land Acquisition Officer,
M. I. W. Nanded
3. The Executive Engineer,
Vishnupuri Prakalp, Division No.1,
Nanded

... Respondents

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Mr. G. N. Chincholkar, Advocate for appellant
Mr. S. N. Kendre, AGP for respondent Nos. 1 and 2
Mr. Sham B. Patil, Advocate for respondent No.3

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FIRST APPEAL NO. 881 OF 2021

1. Shantlingappa Rudrappa Mathdevru
Died by legal heirs.
- 1A. Shakuntalabai w/o Shantlingappa Mathdevru
Age: 58 years, Occu: Household,
R/o: Marajwadi, Tq. Mukhed,
Dist. Nanded
- 1B. Santosh s/o Shantlingappa Mathdevru
Age: 42 years, Occu: Agril labour,
R/o: Marajwadi, Tq. Mukhed,
Dist. Nanded

1C. Surekha w/o Balaji Swami
 Age: 35 years, Occu: Household,
 R/o: Dapka, Tq. Mukhed,
 Dist. Nanded **... Appellants**

Versus

1. The State of Maharashtra
 through District Collector, Nanded
2. The Executive Engineer,
 Vishnupuri Prakalp, Division No.1,
 Now the Executive Engineer,
 Lendi Major Project Division,
 Degloor, Tq. Degloor,
 Dist. Nanded.
3. The Special Land Acquisition Officer,
 M. I. W., Nanded,
 Dist. Nanded. **... Respondents**

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Mr. G. N. Chincholkar, Advocate for appellants
 Mr. A. B. Chate, AGP for respondent Nos. 1 and 3
 Mr. Sham B. Patil, Advocate for respondent No.2

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FIRST APPEAL NO. 883 OF 2021

Chandsab Madarsadsab died by his LRs.,
 Mahebubsab S/o Chandsab Shaikh
 Age: 62 years, Occu: Agriculture,
 R/o Marajwadi, Tq. Mukhed,
 Dist. Nanded **... Appellant**
 (Ori. Claimant)

Versus

1. The State of Maharashtra
 through District Collector, Nanded
2. The Executive Engineer,
 Vishnupuri Prakalp, Division No.1, Nanded

Now the Executive Engineer,
Lendi Project,
Division at Degloor,
Tq. Degloor, Dist. Nanded.

3. The Special Land Acquisition Officer,
M. I. W., Nanded,
Dist. Nanded.

... Respondents

....

Mr. G. N. Chincholkar, Advocate for appellant
Mr. A. B. Chate, AGP for respondent Nos. 1 and 3
Mr. Sham B. Patil, Advocate for respondent No.2 and
Ms Sunita D. Shelke, Advocate for respondent No.2

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CORAM : R. G. AVACHAT, J.

DATED : 31st AUGUST, 2021

PER COURT :-

. These appeals are taken up together, since they are interconnected.

2. Heard. Perused the impugned awards and the related papers relied on.

3. The agricultural lands belonging to the appellants herein were acquired for 'Lendi Major Project'. The notification under Section 4(1) of the Land Acquisition Act (for short, 'L.A. Act') was published on 09.07.1998. The Special Land Acquisition Officer (S.L.A.O.) passed the award on 25.10.2004. Being aggrieved by and

dissatisfied with the amount of compensation offered by the S.L.A.O., the appellants herein preferred Land Acquisition References (L.A.Rs). The Reference Court enhanced the amount of compensation to some extent. Having not being satisfied therewith, the appellants preferred these appeals.

4. Admittedly, the acquired lands were unirrigated. This Court, vide judgment and order dated 01.10.2018, passed in First Appeal No.988 of 2012, enhanced the compensation of the lands acquired for the very purpose, pursuant to one and the same notification dated 09.7.1998 published under Section 4 of the L. A. Act. The appellants herein, are therefore, on the ground of parity, entitled to the enhancement of compensation at the same rate i.e. Rs.1,25,000/- per hectare for unirrigated land. It, however, appears that the Reference Court has awarded interest under Section 28 and/or 34 of the L. A. Act from the date of publication of the notification under Section 4 of the L. A. Act. The same in breach of the dictum of the Full Bench Judgment of this Court in the case of ***State of Maharashtra v. Kailash Shiva Rangari – AIR 2016 BOMBAY 141***. Moreover, there is delay in preferring the present appeals. The appellants/claimants would, therefore, not be entitled to interest or

any other monetary benefits for the delayed period in preferring the present appeals.

5. In view of the above, the appeals are partly allowed in terms of the following order.

ORDER

- (i) The appeals are partly allowed.
- (ii) The appellants/claimants be paid compensation at the rate of Rs.1,25,000/- per hectare.
- (iii) Clause (4) of the impugned awards in First Appeal Nos.812 of 2021, Clauses (4) and (5) of the impugned award in First Appeal No.881 of 2021 and Clause (6) of the impugned award in First Appeal No.883 of 2021, are modified as under:-

In place of, 'from the date of the notification', it is modified as 'from the date of award dated 25.10.2004'.

- (iv) The appellants shall not be entitled for interest for the delayed period of 3259 days in First Appeal No.812 of 2021, 3714 days in First Appeal No.881 of 2021 and 384 days in First Appeal No.883 of 2021.
- (v) Rest of the terms of the impugned awards to stand unaltered.

[R. G. AVACHAT, J.]