

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

FIRST APPEAL NO.1808 OF 2016

1. The State of Maharashtra,
Through The Collector, Latur
 2. The Executive Engineer,
Minor Irrigation Division, Latur
- ... Appellants

VERSUS

Vaijinath s/o Sakharam Mali
Age 55 years, Occu: Agriculture,
R/o Borol, Tq. Deoni, Dist. Latur

... Respondent
Ori.Claimant

FIRST APPEAL NO. 1809 OF 2016

1. The State of Maharashtra,
Through The Collector, Latur
 2. The Executive Engineer,
Minor Irrigation Division, Latur
- ... Appellants

VERSUS

Balaji s/o Dattu Mali
Age 40 years, Occu: Agriculture,
R/o Borol, Tq. Deoni, Dist. Latur

... Respondent
Ori.Claimant

FIRST APPEAL NO.1810 OF 2016

1. The State of Maharashtra,
Through The Collector, Latur
 2. The Executive Engineer,
Minor Irrigation Division, Latur
- ... Appellants

VERSUS

1. Ashok Kerba Pawle, Age 35 years,
 2. Vinayak s/o Kerba Pawale, Age 33 years,
 3. Pralhad s/o Kerba Pawale, Age 30 years
All- Occu: Agriculture,
R/o Borol, Tq. Deoni, Dist. Latur
- ... Respondents
Ori.Claimants

FIRST APPEAL NO.1811 OF 2016

1. The State of Maharashtra,
Through The Collector, Latur
 2. The Executive Engineer,
Minor Irrigation Division, Latur
- ... Appellants

VERSUS

1. Shivaji s/o Damu Mali, Age 30 years,
 2. Ram s/o Damu Mali, Age 27 years,
 3. Narsing s/o Damu Mali, Age 25 years
All- Occu: Agriculture,
R/o Borol, Tq. Deoni, Dist. Latur
- ... Respondents-
Ori.Claimants

FIRST APPEAL NO. 1812 OF 2016

1. The State of Maharashtra,
Through The Collector, Latur
 2. The Executive Engineer,
Minor Irrigation Division, Latur
- ... Appellants

VERSUS

- Prakash s/o Venkatrao Devane,
Age 45 years, Occu: Agriculture,
R/o Borol, Tq. Deoni, Dist. Latur
- ... Respondent-
Ori.Claimant

FIRST APPEAL NO. 1816 OF 2016

1. The State of Maharashtra,
Through The Collector, Latur
 2. The Executive Engineer,
Minor Irrigation Division, Latur
- ... Appellants

VERSUS

1. Balaji s/o Nivarti Devane, Age 35 years,
 2. Bharat s/o Nivarti devani, Age 30 years,
 3. Shivaji s/o Nivarti Devani, Age 28 years,
All- Occu: Agriculture,
R/o Borol, Tq. Deoni, Dist. Latur
- ... Respondents
Ori.Claimants.

FIRST APPEAL NO.1817 OF 2016

1. The State of Maharashtra,
Through The Collector, Latur
 2. The Executive Engineer,
Minor Irrigation Division, Latur
- ... Appellants

VERSUS

Prabhurao s/o Shyamrao Devane,
Age 55 years, Occu: Agriculture,
R/o Borol, Tq. Deoni, Dist. Latur

... Respondent-
Ori.Claimant

FIRST APPEAL NO. 1818 OF 2016

1. The State of Maharashtra,
Through The Collector, Latur
 2. The Executive Engineer,
Minor Irrigation Division, Latur
- ... Appellants

VERSUS

1. Vijaykumar s/o Ramrao Devane, Age 32 years,
 2. Anil s/o Ramrao Devane, Age 30 years,
 3. Mangesh s/o Ramrao Devane, Age 23 years
- ... Respondents
Ori.Claimants.
- All- Occu: Agriculture,
R/o Borol, Tq. Deoni, Dist. Latur

FIRST APPEAL NO. 1820 OF 2016

1. The State of Maharashtra,
Through The Collector, Latur
 2. The Executive Engineer,
Minor Irrigation Division, Latur
- ... Appellants

VERSUS

Bharat s/o Vithalrao Sapkale
Age 50 years, Occu: Agriculture
R/o Borol, Tq. Deoni, Dist. Latur

... Respondents
Ori.Claimant

FIRST APPEAL NO. 1821OF 2016

1. The State of Maharashtra,
Through The Collector, Latur
 2. The Executive Engineer,
- ... Appellants

Minor Irrigation Division, Latur

VERSUS

Murlidhar s/o Narsingrao Biradar,
Age 40 years, Occu: Agriculture,
R/o Borol, Tq. Deoni, Dist. Latur

... Respondents
Ori.Claimant

Mrs. D. S. Jape, AGP for the appellants in all the FAs.
Mr. G. K. Sontakke & Mrs. P. G. Sontakke, Advocate for the respondents

CORAM : S. G. DIGE, J.

DATE : 07.09.2022

JUDGMENT:

1. In all these appeals, the appellant-State of Maharashtra is challenging the judgment and award dated 18th February, 2008 passed by the learned Civil Judge, Senior Division, Latur in Land Acquisition Reference Nos. 356/2002, 360/2002, 358/2002, 369/2002, 364/2002, 357/2002, 366/2002, 368/2002, 362/2002 and 367/2002.

2. **Brief facts of the case:**

The lands of the respondents are situated at village Borol Tq. Deoni District Latur. The said lands are acquired by the appellants for construction of Percolation Tank No.3. The date of award is 3rd July, 1999. The Special Land Acquisition Officer has awarded compensation of Rs.38,500/- per Hectare or for dry land i.e. Rs.385/- per Are and Rs. 42,500/- per Hectare for irrigated land i.e. Rs.425/- per Are. Dissatisfied with the compensation awarded by the Special Land Acquisition Officer, the original claimants- respondents filed Land Acquisition References for enhancement of the compensation before the

Reference Court. The Reference Court has enhanced the compensation to Rs.1400/- per Are for all types of lands. The said judgment is under challenge.

3. It is contention of the learned AGP for the appellant-State that without any documentary evidence, the Reference Court has enhanced the compensation in all the matters. The learned AGP further submits that rate of interest under section 28 of the Land Acquisition Act, 1894 (for short 'the L.A. Act') is granted from the date of notification. As per the view of the Full Bench of this Court in the case of **The State of Maharashtra Vs. Kailash Shiva Rangari, 2016 (4) ALL MR 513**, it should be from the date of award. Hence, learned AGP for the appellants requested to allow these appeals.

4. It is the contention of the learned counsel for the respondents-original claimants that the Reference Court has enhanced the rate after considering the evidence led before it. He further submits that awarded compensation is within four times of the rate given by the Special Land Acquisition Officer.

5. I have heard learned AGP for the appellants and learned counsel for the respondents. Perused judgment and order passed by the Reference Court.

6. While enhancing the compensation, the Reference Court has relied on three comparable sale deeds which are at Exhibits 30, 32 and 34. The Special Land Acquisition Officer has fixed the rate of

interest on the basis of revenue assessment. The sale deeds produced on record show that prevailing market prices of the lands in that area were higher. Hence, in my view, the rate of Rs.1400/- per Are for all types of lands considered by the Reference Court is proper. Moreover this rate falls within four times of the rate awarded by the Special Land Acquisition Officer.

7. In respect of the interest from the date of notification, it should be from the date of award as per the view expressed by the Full Bench of this Court in the case of **Kailas Shiva Rangari (Supra)**.

8. In view of above, I pass the following order:-

O R D E R

- (i) The first appeals are partly allowed.
- (ii) Clauses (4) and (5) of the Judgment and Award dated 18th February, 2008 passed by the learned Civil Judge, Senior Division, Ahmedpur, Camp at Udgir in Land Acquisition Reference Nos.356/2002, 360/2002, 358/2002, 369/2002, 364/2002, 357/2002, 366/2002, 368/2002, 362/2002, and 367/2002 are modified and it is held that the claimants are entitled for the interest under Sections 28 and 34 of the L.A. Act from the date of award. For the first year, the interest would be 9% per annum and for the subsequent years, it would be @ 15% per annum till realization of the entire amount of the Award.
- (ii) The First Appeals are accordingly disposed of. No order as to costs.

(iii) Pending civil applications, if any, are disposed of.

JPChavan

(S. G. DIGE, J.)