

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

FIRST APPEAL NO. 1145 OF 2006

Shakuntala Shahurao Nehul,
Age: Major, Occu. : Agril.
R/o. Jawakheda Dumala, Tq.Pathardi,
Dist. Ahmednagar.

.. **APPELLANT**
[Ori.Claimant]

VERSUS

State of Maharashtra
[Through Collector, Ahmednagar]
Copy to be served on Government Pleader,
High Court of Judicature of Bombay
Bench at Aurangabad].

.. **RESPONDENT**

...

Mr.M.R.Sonawane, Advocate for the appellant.
Mrs.D.S.Jape, AGP for respondent-State

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CORAM : S.G.DIGE, J.
DATE : 28.09.2022

ORAL JUDGMENT :

1] The issue involved in this appeal is that solatium and component interest is not awarded to the appellant.

2] It is the contention of the learned counsel for the appellant that though the Reference Court has observed that the appellant is entitled for solatium and component interest but it is not mentioned in the operative part.

3] It is the contention of the learned AGP that appropriate order be passed.

4] In my view, solatium provided under Section 23 [2] of the Land Acquisition Act forms an integral and statutory part of the compensation awarded to a land owner. From the plain terms of section 28 of the Act, interest is payable on the compensation awarded and not merely on the market value of the land. The Reference Court has not considered these provisions of L.A. Act, the appellant is entitled for it.

5] In view of above, I pass the following order :

ORDER

i] Appeal is allowed.

ii] The appellant is entitled for 30% solatium on compensation amount. The appellant is entitled for the interest under Sections 28 and 34 of the Land Acquisition Act from the date of award as per the provisions of Land Acquisition Act, 1894.

iii] Appeal is disposed of accordingly.

[S.G.DIGE]
JUDGE

DDC