

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

34 FIRST APPEAL NO.3747 OF 2018
WITH CIVIL APPLICATION NO.3112 OF 2022

EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
ZILLA PARISHAD, PARBHANI
VERSUS
PRALHAD VIKRAM GHUGE AND ORS

Mr E.P. Sawant, Advocate for appellants
Mr R.J. Nirmal, Advocate for respondents no.1 to 3/original claimants)
Mr P.M. Kulkarni, A.G.P. for respondents no.4 and 5

AND

35 FIRST APPEAL NO.3746 OF 2018 WITH
CIVIL APPLICATION NO.3113 OF 2022

EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
ZILLA PARISHAD, PARBHANI
VERSUS
ANJANABAI GAYANBA BUDHWANT AND ORS

Mr E.P. Sawant, Advocate for appellants
Mr R.J. Nirmal, Advocate for respondents no.1 to 3/original claimants)
Mr P.M. Kulkarni, A.G.P. for respondents no.4 and 5

AND

36 FIRST APPEAL NO.3748 OF 2018 WITH
CIVIL APPLICATION NO.3114 OF 2022

EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
ZILLA PARISHAD, PARBHANI
VERSUS
SHRIPATI GANPATI GHUGE

Mr E.P. Sawant, Advocate for appellants
Mr R.J. Nirmal, Advocate for respondents no.1 to 3/original claimants)
Mr P.M. Kulkarni, A.G.P. for respondents no.4 and 5

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 7th March, 2022

PER COURT :

1. Mr Nirmal undertakes to file V.P. on behalf of applicants. His undertaking is accepted.
2. Heard finally at admission stage with consent of both the sides.
3. Mr R.J. Nirmal, learned Advocate for applicants seeks leave to place on record the copy of order dated 30.8.2021 passed by this Court in First Appeal No.2364 of 2019 with connected matters. Leave granted. The copy of common order is taken on record and marked 'X' for identification.
4. Mr Nirmal, learned Advocate for applicants submits that the compensation awarded by the reference Court in the respective L.A.R.s is within the range of four times as per the Government Resolution no.LQN-01-2011/PK-30/A-2 dated 3.11.2016. This Court (Coram : R.G. Avachat, J.) vide order dated 30.8.2021 in abovesaid appeal with connected matters was pleased to dismiss the appeal and allowed the claimants to withdraw the compensation amount with accrued interest thereon. He, therefore, submitted that same recourse may be taken in these appeals since compensation awarded by the reference Court in all the L.A.R.s is within the range of four times.
5. Learned A.G.P.s for respondents no.1 and 2 and Mr E.P. Sawant, learned Advocate for respondent no.3/acquiring body in respective matters fairly concede the common decision rendered by the co-ordinate Bench of this Court in C.A.No.2364 of 2019 with connected matters. Both of them submitted that the compensation awarded by the reference Court is within the range of four times. So far as interest is concerned, the claimants are entitled to get interest under Section 28 and 34 of the Land Acquisition Act as per Full Bench decision in **State of Maharashtra, through Sub Divisional Officer and Special Land Acquisition Officer, Darwha, District Yavatmal Vs. Kailash Shiva**

Rangari, reported in **2016 (3) Mh.L.J. 457**.

6. Having considered the submissions of learned Advocates for respective parties, it is very much clear that the compensation awarded by the reference Court in respective L.A.R.s is within the range of four times. As per G.R.no.LQN-01-2011/PK-30/A-2 dated 3.11.2016, if the compensation awarded by the reference Court is within the range of four times, there is no need to prefer the appeals. In view of this position, the appeals need to be dismissed.

7. So far as awarding of interest is concerned, the reference Court has passed vague order awarding interest. No details are given about awarding interest under Section 28 or 34 of the Land Acquisition Act. It may result in further dispute while making calculation and while filing execution. In order to clear this clause of interest, I am of the view that the claimants would be entitled to get interest under Section 28 and 34 of the Land Acquisition Act as per their entitlement in view of Full Bench decision in case of **State of Maharashtra Vs. Kailash Shiva Rangari** (supra). If that recourse is adopted, no injustice would be caused either to the appellant or to the original claimants.

8. Having regard to the above discussion, the appeals stand dismissed. The applicants/original claimants are entitled to get amount of compensation along with accrued interest thereon. It is stated that the acquiring body has already deposited the amount of compensation in this Court. The applicants/original claimants are entitled to withdraw the same with accrued interest thereon.

9. The Registry to make payment of compensation along with accrued interest thereon under Sections 28 and 34 of the Land Acquisition Act, 1894 as per the decision of Full Bench of this Court in **State of Maharashtra Vs. Kailash Shiva Rangari** (supra) to the respective applicants/original claimants.

10. The First Appeals and Civil Applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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