

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
FIRST APPEAL NO. 4253 OF 2017**

Tulshiram S/o Baliram Gaikwad,  
Age : 79 Years, Occ. Agriculture,  
R/o. Marajwadi Tq. Mukhed,  
District Nanded.

**V E R S U S**

1. The State of Maharashtra,  
Through District Collector,  
Nanded, Dist. Nanded.
2. The Executive Engineer,  
Vishnupuri Prakalp Division No.1,  
Degloor Tq. Degloor, Dist. Nanded.
3. The Special Land Acquisition Officer,  
Minor Irrigation Works, Nanded.

**WITH  
FIRST APPEAL NO. 4208 OF 2017**

Navnath S/o Vithal Gaikwad,  
Died through his L.Rs.

1. Jijabai W/o Navnath Gaikwad,  
Age : 64 Years, Occ. Agriculture
2. Dipak S/o Navnath Gaikwad,  
Age : 40 Years, Occ. Agriculture
3. Maroti S/o Navnath Gaikwad,  
Age : 38 Years, Occ. Agriculture  
All Resident of Marajwadi Tq. Mukhed,  
Dist. Nanded.

..APPELLANTS  
(Orig. Claimants)

**V E R S U S**

1. The State of Maharashtra,

Through District Collector,  
Nanded Dist. Nanded.

2. The Executive Engineer,  
Vishnupuri Prakalp Division No.1,  
Degloor, Tq. Degloor Dist. Nanded.
3. The Special Land Acquisition Officer,  
Minor Irrigation Works, Nanded. .. RESPONDENTS  
( Orig. Respondents)

**WITH**

**FIRST APPEAL NO. 4256 OF 2017**

Vithal S/o Govind Sonkamble,  
Died through L.Rs.

1. Dhondiba S/o Vithal Sonkamble,  
Age : 58 Years, Occ. Labour  
R/o. Marajwadi Tq. Mukhed,  
District Nanded, at present  
Gautam Nagar, Saidham Housing Society,  
Room No. 515, MIDC Road No.7,  
Andheri ( East) Mumbai-93.
2. Sow. Gangabai W/o Pandhari Kamble,  
Age : 50 Years, Occ. Household,  
R/o. Raikur Camp Mandal Rudrur,  
Tq. Bodhan Dist. Nizamabad  
( Telanganna State )
4. Shobha W/o Samrat Kamble,  
Age : 37 Years, Occ. Household,  
R/o. Pimpalkunta Tq. Yeoti,  
Tq. Mukhed Dist. Nanded.

**..APPELLANT**  
(Orig. Claimant)

**V E R S U S**

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

3. The Special Land Acquisition Officer,  
Minor Irrigation Works, Nanded.

WITH  
**FIRST APPEAL NO. 4257 OF 2017**

Venkati S/o Vithal Gaikwad,  
Age : 49 Years, Occ. Agriculture  
R/o. Marajwadi Tq. Mukhed,  
Dist. Nanded.

**V E R S U S**

1. The State of Maharashtra,  
Through District Collector,  
Nanded, Dist. Nanded.
2. **The Executive Engineer,**  
Vishnupuri Prkalp Division No.1,  
Degloor, Tq. Degloor Dist. Nanded.
3. The Special Land Acquisition Officer,  
Minor Irrigation Works, Nanded.

**RESPONDENTS**  
(Orig. Respondents)

WITH

**FIRST APPEAL NO. 1913 OF 2022**

Vitthal S/o Mhayasaji Gadarao,  
Age : 59 Years, Occ. Agriculture,  
R/o. Marajwadi Tq. Mukhed,  
Dist. Nanded.

**V E R S U S**

1. The State of Maharashtra,  
Through District Collector,  
Nanded, Dist. Nanded.
2. The Executive Engineer,  
Lendi Project, Division Degloor,  
Tq. Degloor, Dist. Nanded.
3. The Special Land Acquisition Officer,  
Minor Irrigation Works, Nanded.

**RESPONDENTS**  
( Orig. Respondents)

**CORAM : S. G. DIGE, J.**  
**RESERVED ON : 20.07.2022**  
**PRONOUNCED ON : 29.08.2022**

.....

Shri. V. B. Bilolikar, Advocate for appellants in all appeals.

Shri. S. S. Dande, AGP for Respondent Nos.1 and 3 in F.A. 4253, 4256, 4257 and 4208 of 2017

and for Respondent No.1 & 2 in F.A. 1913 of 2022  
Smt. Sunita D. Shelke, Advocate for Respondent No.2 in First Appeal No. 4253 and 4256 of 2017

Shri. Sham B. Patil, Advocate for respondent No.2 in First Appeal No. 4257 and 4208 of 2017

Shri. Shyam C. Arora, Advocate for Respondent No.3 in First Appeal No. 1913 of 2022

**ORDER :-**

All these appeals are arising out of the acquisition made for construction of Lendi Major Project at village Marajwadi, Tq. Mukhed, District Nanded. The appellants have filed these appeals for enhancement of compensation.

2. Learned counsel for the appellants submits that this Court in First Appeal No. 834 of 2010 and others and First Appeal No. 988 of 2012 and others have enhanced the rate and determined the market value at Rs. 1,25,000/- per Hectore for non irrigated land. Hence requested to pass same order.

3. Learned AGP and learned counsel for the acquiring

body I.e. Advocate Sham B. Patil, Advocate Sham C. Arora, Advocate Sunita D. Shele submitted that appropriate orders be passed as per submissions of learned counsel for the appellants.

4. Considering the submissions of all learned counsel and decisions given by this Court ( Coram : P. R. Bora, J) in First Appeal No. 834 of 2010 and others connected First Appeals, appellants are entitled for compensation of Rs. 1,25,000/- per Hector for non irrigated land, Rs. 1,87,500/- for semi irrigated land and Rs. 2,50,000/- per Hector for irrigated land.

5. The compensation be enhanced accordingly. In respect of interest under Sections 28 and 34 of the Land Acquisition Act, Full Bench of this Court in the case of ***State of Maharashtra Vs. Kailash Shiva Rangari, 2016 (4) ALL MR 513*** has held that the interest under Sections 28 and 34 of the Land Acquisition Act can only be granted from the date of passing of the award under Section 11 of the Act and not from any prior date. The impugned judgment and award to the aforesaid extend needs to be modified.

### **ORDER**

(i) The First Appeals are partly allowed.

- (ii) The appellants are entitled for the statutory benefits as well as interest as per the provisions of the Act on the enhanced amount of compensation from the date of declaration of the award under Section 11 of the Act till realization of the amount.
- (iii) These appeals are partly allowed in the aforesaid terms.

All Civil Applications pending if any be disposed off.

The Appellant in F.A. No. 1913 of 2022 will not be entitled for statutory interest for the delayed period in filing the Appeal as well for the period spent in seeking circulation for delay condonation Application, Registry to calculate the delayed period.

**( S.G. DIGE, )  
JUDGE**

ysk