

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

FIRST APPEAL NO. 813 OF 2020

Laxman S/o Bhau Sanap
Age : 42 years, Occ : Agri.,
R/o Sawargaon (Ghat), Tq. Patoda,
Dist. Beed.

..APPELLANT

VERSUS

1. The State of Maharashtra
Through Collector, Beed.
2. Executive Engineer,
Osmanabad Division,
Medium Project Osmanabad,
Dist. Osmanabad.

..RESPONDENTS

AND

FIRST APPEAL NO. 814 OF 2020

1. Babasaheb S/o Sahurao Sanap
Age : 41 years, Occ : Agri.,
R/o Sawargaon (Ghat), Tq. Patoda,
Dist Beed.
2. Rajendra S/o Sahurao Sanap
Age : 33 years, Occ : Agri.,
R/o Sawargaon (Ghat), Tq. Patoda,
Dist. Beed.

..APPELLANTS

VERSUS

1. The State of Maharashtra
Through Collector, Beed.

2. Executive Engineer,
Osmanabad Division,
Medium Project Osmanabad,
Dist. Osmanabad.

..RESPONDENTS

AND
FIRST APPEAL NO. 815 OF 2020

Dada S/o Nana Khade
Died Through L.Rs.

1. Nana S/o Nivrutti Khade
Age : 63 years, Occ : Agri.,
R/o Sawargaon (Ghat), Tq. Patoda,
Dist. Beed.
2. Ramkuwar W/o Nana Khade
Age : 58 years, Occ : Agri.,
R/o Sawargaon (Ghat), Tq. Patoda,
Dist. Beed

..APPELLANTS

VERSUS

1. The State of Maharashtra
Through Collector, Beed.
2. Executive Engineer,
Osmanabad Division,
Medium Project Osmanabad,
Dist. Osmanabad.

..RESPONDENTS

AND
FIRST APPEAL NO. 2074 OF 2020

Bhagawat S/o Uttam Sanap
Died Through L.Rs.

1. Hausabai W/o Uttam Sanap
Age : 78 years, Occ : Nil,
R/o Sawargaon (Ghat), Tq. Patoda,
Dist. Beed.

2. Janabai W/o Bhagwat Sanap
Age : 45 years, Occ : Agri.,
R/o Sawargaon (Ghat), Tq. Patoda,
Dist. Beed.
3. Machindra S/o Bhagwat Sanap
Age : 24 years, Occ : Agri.,
R/o Sawargaon (Ghat), Tq. Patoda,
Dist. Beed.
4. Gorakh S/o Bhagwat Sanap
Age : 20 years, Occ : Education,
R/o Sawargaon (Ghat), Tq. Patoda,
Dist. Beed.

..APPELLANTS

VERSUS

1. The State of Maharashtra
Through Collector, Beed.
2. Executive Engineer,
Osmanabad Division,
Medium Project Osmanabad,
Dist. Osmanabad.

..RESPONDENTS

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Advocate for Appellants : Mr. S.B. Choudhari
AGP for Respondent no.1 : Mr. P.M. Kulkarni
Advocate for respondent no.2 : Mr.Rahul Tambe

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CORAM : S.G.DIGE, J.

DATE : 19.09.2022

ORAL JUDGMENT :

All these appeals are from same land acquisition

proceedings and under the same notification, hence I am deciding these appeals by common judgment.

2. Learned counsel for all parties submit that this Court (Coram : P.R. Bora, J) has passed the common judgment and order dated 20th February, 2019 in group of appeals arising out of the same award and same acquisition, hence the same order be passed in these appeals, as these appeals are out of the same acquisition and same notification.

3. This Court (Coram : P.R. Bora, J) vide judgment and order dated 20th February, 2019 has awarded the amount of Rs.3000/- per Are for acquired dry lands, the appellants are claiming that their lands are semi-irrigated lands but in the reference court order, the appellants' lands are considered as dry lands, hence I am considering the appellants' land as dry lands and the appellants are not disputing it. The rate of interest is given by the Reference Court is from the date of possession but as per the Full

Bench judgment of this Court in the case of ***State of Maharashtra Vs. Kailash Shiva Rangari*** reported in ***2016(3) Mh.L.J. 457***, it should be from the date of award as this Court has already decided the rate in respect of lands in the connected group of appeals. The said order has not been challenged, hence got finality, hence I am considering the same rate. While filing appeals there was delay so the appellants are not entitle for the interest and statutory benefits for the delayed period.

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

ORDER

- (i) The appeals are allowed.
- (ii) The appellants – claimants are held entitle to receive compensation at the enhanced rate of Rs.3,000/- per Are for their acquired lands.
- (iii) The appellants – claimants are also held entitle for the statutory benefits on the enhanced amount of compensation.

(iv) The appellants – claimants are entitle to receive interest on the amount of enhanced compensation under section 28 of the Act from the date of passing of the award i.e. from 5th November, 2007.

(v) The appellants in respective appeals shall not entitle for the interest and statutory benefits for the delayed period while preferring the respective appeals.

(vi) The award be modified accordingly.

(vii) The appeals are disposed of in above terms.

[S.G.DIGE]
JUDGE

SGA/-