

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

**991 FIRST APPEAL NO.2140 OF 2022**

1. Bhimsing S/o Khemsing Pujari (Died LRs)
  - 1-A. Kartarkaur W/o Bhimsing Pujari,  
Age : 80 Years, Occu. Household,
  - 1-B. Ishwarkaur W/o Premsing Pujari,  
Age : 61 Years, Occu. Household,
  - 1-C. Darshansing S/o Bhimsing Pujari,  
Age : 57 Years, Occ. Agriculture,
  - 1-D. Rekhasing S/o Bhimsing Pujari,  
Age : 50 Years, Occu. Service,
  - 1-D Jaspalsing S/o Bhimsing Pujari,  
Age : 45 Years Occ. Agriculture
  - 1-E Uttamsing S/o Bhimsing Pujari,  
Age : 40 Years, Occu. Agriculture
  - 1-F Bhagwansing S/o Bhimsing Pujari,  
Age : 41 Years Occ. Agriculture,
  - 1-G. Mohansing S/o Gurubachansing Pujari,  
Age : 29 Years, Occ. Service  
  
All R/o. Kaleshwar Mandir Road,  
Vishnupuri, Nanded.
2. Dilipsing S/o Khemsing Pujari (Died LRs)
  - 2-A Gurjitkaur S/o Dilipsing Pujari (Died Lrs)
  - 2-B Kehmsing S/o Dilipsing Pujari,  
Age : 47 Years, Occ. Agriculture,

2-C. Triloksingh S/o Dilipsing Pujari,  
Deceased Lrs

2-C Trlokking S/o Dilipsing Pujari ( Deceased)  
Through his Legal Heirs

2-C-i Manpreetsing S/o Trilokking Pujari  
Age : 24 Years, Occ. Student

2-C-ii Naginakaur W/o Manpreetsing Pujari,  
Age : 45 Years, Occ. Household

All resident of Vishnupuri, Appellants  
Nanded. ( Orig. Claimants)

### **VERSUS**

1. The State of Maharashtra  
Through District Collector,  
Nanded.

2. The Special Land Acquisition Officer,  
PT & MIW No.2, Janta Bazar,  
Tq and Dist. Nanded.

Respondents  
( Orig. Respondents)

...  
Advocate for Appellants : Mr. Pratap Prvindh Mandalik  
AGP for Respondents: Mr. S. S. Dande

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**CORAM : S. G. DIGE, J.**  
**DATE : 15.09.2022**

### **JUDGMENT :-**

By way of this appeal, the appellants are seeking  
enhancement of compensation.

2. The lands of appellants are acquired by respondent

Nos. 1 and 2 for the establishment of Sub Center of Marathwada University at Nanded. The Land Acquisition Officer has awarded compensation at the rate of Rs. 6500/- to 7500/- per Are. The father of the appellant filed claim for enhancement of compensation. The learned Reference Court has awarded compensation at the rate of Rs. 60,000/- per Hector. Against the said judgment and order, this appeal for enhancement.

3. It is the contention of the learned counsel for the appellants that, this Court has decided the matters pertaining to the acquisition of land for Sub Center of Marathwada University. Those lands were from the village of the present appellants . The land of appellants are acquired for the same purpose. In those appeals, the sale instance was produced as evidence, on same sale instance appellants had relied before Reference Court. In the appeal, Division Bench of this Court ( Coram S. V. Gangapurwala J.) by order dated 28<sup>th</sup> November, 2013 has partly allowed the appeal filed by the appellants therein for enhancement of compensation and has given the rate of Rs. 1,75,000/- per Hector along with interest at the rate of 9% per annum. Hence requested to pass same order.

4. Learned AGP for respondent Nos. 1 and 2 submitted that appropriate order be passed. Learned AGP further

submits that interest be awarded as per judgment of **State of Maharashtra Vs. Kailas Shiva Rangarai** reported in **2016 [3] Mh.L.J. 457..**

5. I have heard both the learned counsel. Appellants land is acquired for the Sub center of Marathwada University, at Nanded. Other villagers' lands are also acquired for the said Sub Center. Those claimants filed appeal for enhancement before this court and this Court in First Appeal No. 67 of 1997 ( Coram : S. V. Gangapurwala, J) has given the rate of Rs. 1,75,000/- per hector along with interest at the rate of 9% p.a. Hence this Court cannot take different view. The appellants are entitled for the interest from the date of award and not from the date of possession as per the view taken by this Court in the case of Kailas Shiva Rangarai ( supra).

6. The appellants are not entitled for the interest and statutory benefit for delayed period. The appellants have filed undertaking in that regard. There is around 21 years delay for filing this appeal. So, the appellants are not entitled for interest of the said period.

Hence, I pass the following order :-

**ORDER**

- (i) The appeal is allowed.
- (ii) Appellants are entitled for the compensation for their acquired lands at the rate of Rs. 1,75,000/- per Hector along with interest at the rate of 9% per annum.
- (iii) Appellants are entitled for the interest from the date of Award and not possession.
- (iv) Appellants are not entitled for the interest period for 21 years as per undertaking given by appellants.
- (v) Amount of compensation be paid to the appellants after deducting amount already paid to them.

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

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