

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

FIRST APPEAL NO. 998 OF 1992

The State of Maharashtra Appellant
v/s.

Shri. Mugutrao Shankar Rede (since
deceased through legal heir) :
Shri. Sadashiv Mugutrao Rede and ors. Respondents

Mr. N.B. Patil, AGP for the State.
None for the Respondents.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 13th JULY, 2022.

P. C. :-

. Learned AGP states that there is a typographical error in paragraph 2, line nos.2 and 4 of the order dated 06/07/2022 wherein the date of judgment is wrongly typed as '22.11.2011' instead of '22.06.2011'. Hence, the same be corrected to read as '22.06.2011'. Necessary corrections be carried out in the order dated 06/07/2022.

2. This is an Appeal under section 54 of the Land Acquisition Act challenging the judgment dated 22/11/1991 passed by the Civil Judge, Senior Division, Pandharpur in Land Reference No.55/1989. By the impugned judgment, the Reference Court has partly allowed the Reference under section 18 and enhanced the compensation to

Rs.25,000/- per hectare. The Reference Court has awarded interest under section 23(1-A) from the date of taking of possession.

3. The State Government has acquired land under Gat No.1254 admeasuring 1H and 26 R from village Mahalung, Dist. Solapur for the purpose of construction of Ujani Right Bank Canal. Notification under section 4(1) of the Land Acquisition Act was issued on 31/03/1981. The award under section 11 of the Act was declared on 12/02/1981. Not being satisfied with the quantum of compensation determined by the Land Acquisition Officer, the Respondents-claimants filed the reference under section 18 of the Land Acquisition Act. By the impugned judgment, the Reference Court partly allowed the reference. Being aggrieved by this judgment, the State has filed this Appeal.

4. Learned AGP states that Appeal being First Appeal No.711/1992 and other connected Appeals arising from the same notification and award, have been decided by this Court vide judgment dated 22/06/2011. He states that the present Appeal is also covered by the said judgment. He has placed on record copy of the judgment dated 22/06/2011 in First Appeal No.711/1992 and other group matters.

5. A perusal of the said judgment reveals that this Court (Coram

A.S. Oka, J. as his Lordship then was) has confirmed the market value determined by the Reference Court as well as statutory benefits under section 23(1-A) and Section 23(2) of the Land Acquisition Act. This Court had however held that interest under section 23(1)(a) shall be payable from the date of publication of notification under section 4(1) till date of the award under section 11 of the said Act.

6. The Appeal is squarely covered by judgment and award dated 22/06/2011 in First Appeal No.711/1992. In view of the reasons stated in the said judgment, I pass the following order :-

(a) The impugned award insofar as the market value and grant of statutory benefits under Section 23 (1-A) and Section 23(2) of the Land Acquisition Act, 1894 are confirmed. However, the interest under section 23(1-A) shall be payable from the date of the publication of notification under Section 4(1) till the date of the Award under section 11 of the said Act.

(b) The claimants will be entitled to statutory benefit under Section 28 of the Land Acquisition Act, 1894. However, the starting point of payment of interest shall be

from the date of the award under Section 11 of the Land Acquisition Act, 1894, which is 12th February, 1984. To that extent, the impugned award is modified ;

(c) The Appeal is partly allowed on above terms with no orders as to costs ;

(d) Compensation deposited by the Appellant – State along with interest accrued thereon shall be paid to the Respondents ;

(e) It will be open for the claimants to apply to the State Government for grant of rental compensation in terms of the policy of the State Government ; and

(f) Civil Applications, if any, does not survive and the same are disposed of.

(SMT. ANUJA PRABHUDESSAI, J.)