

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

966 FIRST APPEAL NO.3585 OF 2023

Sagrabai w/o Pralhadrao Deshmukh,
Age 75 years, occupation Agriculture,
R/o village Deola Taluka Partur,
District Jalna.

**...Appellant
(Original Claimant)**

Versus

1. The State of Maharashtra,
Through the Collector, Jalna.
2. The Special Land Acquisition officer
(MIW) Jalna.
Since, This department is abolished
At present
Sub Divisional Officer,
Sub Divisional Office at Partur,
Taluka Partur, District Jalna.
3. The Executive Engineer,
Lower Dudhana Project Division, Selu
District Parbhani.
Since, This department is abolished
At present
The Executive Engineer,
Jalna Irrigation Department,
Office at Motibagh, Jalna
Taluka and District Jalna.

**..Respondents
(Original Respondents)**

...
Advocate for Appellant : Mr. Bhise Vitthal Dnyanoba
AGP for Respondents-State : Mr. S. B. Pulkundwar
Advocate for Respondent : Ms. Geeta L. Deshpande
...

**CORAM : ARUN R. PEDNEKER, J.
DATE : 03/11/2023**

JUDGMENT :**1. Admit.**

2. The learned Advocate for the appellant submits that their 2 H 79 R land in Gut No.32/2 is acquired. The said land is dry land and it is referred internal page No.13 of the Reference Court's Judgment. The learned Advocate for the parties submits that the Judgment in First Appeal No.1351 of 2009 and other connected matters dated 07/02/2023 would be applicable to the facts of this case.

3. Thus the claimants are entitled to at the rate of Rs.2400/- per R for the dry land.

4. In terms of the order dated 01/09/2023 passed by this Court, the claimant shall not be entitled to claim interest and statutory benefits, if any, for the delay period of 4494 days caused in filing the appeal.

5. In view of the above observations, the appeal stands disposed of with order as under : -

(A) The appellant shall be entitled for the rate of Rs.2400/- per R compensation.

(B) The appellant-claimant shall also be entitled to get interest under Sections 28 and 34 of the Land Acquisition Act, 1894, from the respective dates of awards passed by the

Special Land Acquisition officer. The appellants would not claim interest or statutory benefits for the delay period in filing the appeals as delay was condoned on the submission of the appellants, that the appellants would not claim interest or statutory benefits for delayed period.

(C) The appellant-claimant shall be entitled to get interest @ 12% per annum as a special component from the date of Notification under Section 4 (1) of the Land Acquisition Act, 1894, till the date of passing respective awards by the Special Land Acquisition Officer, as per Section 23 (1A) of the Act.

(D) The appellant-claimant shall also be entitled to get 30% solatium on the difference of market value under Section 23 (2) of the Land Acquisition Act, 1894.

(E) The award be modified accordingly.

(F) The appeal is accordingly disposed of. No order as to costs.

(G) Pending civil application, if any, stand disposed of.

(H) Liberty to pay deficit Court fee, if any, within two weeks after it is computed by the office.

(I) Record and Proceedings be sent back to the Reference Court.

(ARUN R. PEDNEKER, J.)

vj gawade/-.