

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

944 FIRST APPEAL NO. 437 OF 2023
WITH CA NO. 16278 OF 2022
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD
VERSUS
MAHADEO TUKARAM CHAVAN AND OTHERS

WITH
FIRST APPEAL NO. 433 OF 2023
WITH CA NO. 16222 OF 2022
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD
VERSUS
TUKARAM BAPU KALE AND OTHERS

WITH
FIRST APPEAL NO. 436 OF 2023
WITH CA NO. 16524 OF 2022
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD
VERSUS
RAMLING SITARAM CHAVAN AND OTHERS

WITH
FIRST APPEAL NO. 430 OF 2023
WITH CA NO. 16525 OF 2022
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD
VERSUS
BALASAHEB SOPAN CHAVAN AND OTHERS

WITH
FIRST APPEAL NO. 432 OF 2023
WITH CA NO. 16526 OF 2022
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD
VERSUS
SHHAJI BHIMRAO HAWALE AND OTHERS

WITH
FIRST APPEAL NO. 431 OF 2023
WITH CA NO. 16365 OF 2022

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABAD
VERSUS
VIKRAM SHRIRANG CHAVAN AND OTHERS

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Mr. Ajeet B.Kale, Advocate for the claimants.
Mr. B.V. Virdhe, Advocate for the State.
Mr. A.D. Gadekar, Advocate for Acquiring Body.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 30th March 2023.

ORDER:-

1. Heard learned Counsel for the contesting parties. The dispute raised in these appeals by the Acquiring Body is that the Reference Court has granted interest at the rate of 9% per annum from the date 20.08.2004 which is the date of notification under Section 4 of the Land Acquisition Act. As per the view taken in the judgment in case of ***State Vs. Kailash Shiva Rangari [2016 (3) Mh.L.J. 457]***, the interest ought to have been awarded from the date of award which is 03.10.2013 in these matters. Thus, only to that extent the impugned awards are to be modified. As such, the following order is passed.

ORDER

- (i) In clause-6 of the impugned award dated 03.10.2013 the date "20.08.2004" be replaced with "17.04.2006". Only to this extent the

award stands modified. Rest of the terms of the award to remain same.

- (ii) The amounts which are deposited in this Court by the appellant Acquiring Body be paid to the respective respondents - claimants in terms of modified award and the balance amount be paid back to the Acquiring Body.
- (iii) All these appeals are disposed of accordingly alongwith the Civil Applications, if any.

(SANDIPKUMAR C. MORE, J.)