



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

953 FIRST APPEAL NO. 3151 OF 2013

- 1] Ashroba Maroti Manwatkar
[Died through L.Rs.]
- 1/A. Prayagbai Ashroba Manwatkar
Age-75 yrs, Occupation-Agriculture,
R/o. Hondegaon, Taluka-Partur
Dist-Jalna.
- 1/B. Shrirang Ashroba Manwatkar
Age-45 yrs, Occupation-Agriculture,
R/o. Hondegaon, Taluka-Partur
Dist-Jalna.
- 1/C. Tulsiram Ashroba Manwatkar
Age-32 yrs, Occupation-Agriculture,
R/o. Hondegaon, Taluka-Partur
Dist-Jalna.
- 1/D. Geetabai Rakhmaji Ghorchad,
Age-38 yrs, Occupation-Agriculture,
R/o. Hondegaon, Taluka-Partur
Dist-Jalna.
- 1/E. Seetabai Vishnu Akat,
Age-42 yrs, Occupation-Agriculture,
R/o. Hondegaon, Taluka-Partur
Dist-Jalna.
- .. APPELLANTS

VERSUS

- 1] The State of Maharashtra
Through the Collector, Jalna,
having his office at Collector
office, Jalna.

2] The Special Land Acquisition
Officer, M.I.W.Jalna,
Having his office at
Collector office, Jalna.

3] The Executive Engineer,
Nimna Dudhna Project,
Having his office at Jayakwadi,
Selu, Tq-Selu, Dist.Parbhani.

.. **RESPONDENTS**

...

Advocate for Appellants : Adv.D.M.Kakade
AGP for Respondent-State : Adv.P.R.Bharaswadkar
Advocate for Respondent no.3 : Adv.B.R.Surwase

...

AND

FIRST APPEAL NO. 3145 OF 2013

Rameshwar Ashroba Honde,
Age-48 yrs, Occupation-Agriculture,
R/o. Hondegaon, Taluka-Partur
Dist-Jalna.

.. **APPELLANT**

VERSUS

1] The State of Maharashtra
Through the Collector, Jalna,
having his office at Collector
office, Jalna.

2] The Special Land Acquisition
Officer, M.I.W.Jalna,
Having his office at
Collector office, Jalna.

3] The Executive Engineer,
Nimna Dudhna Project,
Having his office at Jayakwadi,
Selu, Tq-Selu, Dist.Parbhani.

.. **RESPONDENTS**

...
Advocate for Appellant : Adv.D.M.Kakade
AGP for Respondent-State : Adv.P.R.Bharaswadkar
Advocate for Respondent no.3 : Adv.B.R.Surwase
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 18.01.2024

ORDER :

1] In the connected First Appeals arising out of the same acquisition proceedings and in identical situation, this Court has passed the order in First Appeal No.2939 of 2021, so also, the said order was followed in First Appeal Nos.4158 of 2023 along with connected First Appeals by order dated 3rd November, 2023.

2] The learned counsel for the respondents has not disputed that the present First Appeals are identical in nature.

3] In view of the same, the order dated 3rd November, 2023 passed in First Appeal No.4158 of 2023 along with connected first appeals would also be applicable

to the present First Appeals. As such, I proceed to pass the following order :

ORDER

- i] The First Appeals are partly allowed as under :
- ii] Award passed in LAR No.186/1998 and 146/1998 be modified as per the rate of compensation of Rs.2250/- per R. for the dry land.
- iii] The appellants are entitled to get interest under Section 28 and 34 of the Land Acquisition Act, 1894 from the date of award in the appeals where delay is not caused in filing the appeals. The appellants would not claim interest or statutory benefits for the delayed period in filing the appeals as delay was condoned on the submission of the appellants, that the appellant would not claim interest or statutory benefits for delayed period.
- iv] The appellants are entitled to get 12% interest per annum as special component from the date of notification under Section 4 (1) of the Act till the date of passing award under Section 23 (1) (a) of the Act.
- v] The appellants are entitled to get 30% solatium on the different of market value under Section 23 (2) of the Act.

vi] Liberty is granted to pay deficit court fees, if any.

vii] The award be modified accordingly. No order as to costs. Record and proceedings be sent back to the Lower Court.

Both the Appeals are accordingly disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC