



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

57 FIRST APPEAL NO. 1417 OF 2023
WITH
FIRST APPEAL NO. 1537 OF 2023
WITH
CIVIL APPLICATION NO. 6977 OF 2022
IN FA/1537/2023
WITH
FIRST APPEAL NO. 1538 OF 2023
WITH
CIVIL APPLICATION NO. 6979 OF 2022
IN FA/1538/2023
WITH
FIRST APPEAL NO. 1539 OF 2023
WITH
CIVIL APPLICATION NO. 6982 OF 2022
IN FA/1539/2023
WITH
FIRST APPEAL NO. 1416 OF 2023
WITH
CIVIL APPLICATION NO. 6913 OF 2022
IN FA/1416/2023
WITH
FIRST APPEAL NO. 1418 OF 2023
WITH
CIVIL APPLICATION NO. 6917 OF 2022
IN FA/1418/2023
WITH
CIVIL APPLICATION NO. 6915 OF 2022
IN FA/1417/2023

THE EX. ENGINEER, MINOR IRRIGATION DIVISION,
OSMANABD THR G.M.I.D.C., AURANGABAD

VERSUS

DYANOBA SHRIPATI BONDAR AND ORS

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Advocate for Appellant : Mr. Bhalerao Sudhir G.
AGP for Respondents/State : Mr. K.N.Lokhande
Advocate for Respondent No.1 : Mr. L.C. Patil h/f Mr. N.J. Patil

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CORAM : KISHORE C. SANT, J.

DATE : 10.10.2024.

PER COURT :

1. Heard all the parties are before this Court. By consent of the parties taken up for final disposal.
2. As the issue involved only in respect of the awarding interest under Section 34 of the land Acquisition Act.
3. The learned reference Court has granted interest under Section 28 and 34 from the date of taking actual possession of the acquired land and not from the date of award.
4. It is an admitted position that the possession of the land is taken prior to issuance of the award under Section 11.
5. Learned Advocate for the appellant relied upon the order passed by this Court in group of appeals along with First

Appeal No. 1543 of 2024 with connected mannters dated 16.08.2024.

6. This Court by considering the judgment in the case of **State of Maharashtra Vs. Kailash Shiva Rangari** reported in 2016 (3) Mh. L.J. 457 and in the case **State of Maharashtra Vs. Ramesh Tukaram Meshram and another** reported in 2018 (1) ALL MR 645. He further relied upon the judgment in the case of **R.L.Jain (D) by Lrs Vs. V.D.D. A. and Others** reported in AIR 2004 SC 1904.

7. Considering above this present appeal can be disposed off, hence following order :

ORDER

- (i) Appeals are allowed.
- (ii) The award is modified only to the extent of granting interest under Section 28A and 34 of the Act from the date of award instead of from the date of actual possession of the land.
- (iii) With this appeals sand disposed off.

(iv) Fresh award be drawn up accordingly.

(v) Consequently, pending Civil Applications, if any, stand disposed off.

**(KISHORE C. SANT)
JUDGE**

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