



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

**FIRST APPEAL STAMP NO. 8702 OF 2021
WITH
CIVIL APPLICATION NO. 12803 OF 2025
AND
CIVIL APPLICATION NO. 4128 OF 2021**

The State of Maharashtra and others .. Appellants

Versus

Shivaji Tatyaba Solankhe and others .. Respondents

**WITH
FIRST APPEAL STAMP NO. 8705 OF 2021
WITH
CIVIL APPLICATION NO. 12804 OF 2025
AND
CIVIL APPLICATION NO. 4130 OF 2021**

The State of Maharashtra and others .. Appellants

Versus

Shivaji Raghunath Panchal and others .. Respondents

Shri S. V. Hange, A.G.P. for the Appellants in both matters.
Ms. Rani Bharuka – Bora, Advocate h/f Shri Satyajit S. Bora,
Advocate for the Respondent Nos. 1 to 3 in both matters.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 17TH DECEMBER, 2025.**

FINAL ORDER :

. Heard both sides. Taken up for final disposal by consent of
the parties.

2. The appellants – acquiring body has preferred appeals challenging common judgment and award dated 10.01.2018 passed in L. A. R. No. 94 of 2016 and L. A. R. No. 84 of 2016. In L. A. R. No. 94 of 2016, the Special Land Acquisition Officer awarded rate of Rs. 1,410/- per R, which is enhanced to Rs. 1,590/- per R by the Reference Court. In L. A. R. No. 84 of 2014 the S. L. A. O. fixed rate at Rs. 1,410/- per R is enhanced to Rs. 4,590/- per R. Lands are acquired from village Anjandoh for the purpose of percolation tank. Notification U/Sec. 4 of the Land Acquisition Act (for the sake of brevity and convenience hereafter referred as to the ‘L. A. Act’) was issued on 09.12.2010. Thereafter award U/Sec. 11 of the L. A. Act was passed on 23.11.2012. The possession of both the lands was taken on 02.10.1997.

3. In the backdrop of above facts, learned A. G. P. submits that enhancement is arbitrary and unreasonable. It is submitted that interest U/Sec. 28 and 34 of the L. A. Act was granted from the date of possession, which is against the law laid down by the Full Bench of this Court in the matter of the State of Maharashtra Vs. Kailas Shiva Rangari reported in *2016(4) All MR 513*.

4. Learned counsel for the respondents – claimants raises a preliminary objection that the enhancement granted by the Reference Court is within four times. As per the Government Resolution dated 13.11.2016 and consequential policies,

appellants should not have filed appeals. She supports the awarding of interest on the point that possession was taken long back without making any payment for compensation. Reliance is placed on the judgment of the Coordinate Bench dated 20.07.2024 in the matter of Annarao Namdeo Biradar Vs. The State of Maharashtra and another in First Appeal No. 966 of 2013 and the corrected matters and order dated 20th April, 2021 passed in First Appeal No. 443 of 2003.

5. Undisputedly, in both appeals enhancement given by the Reference Court is within four times. It is squarely covered by the policy adopted vide Government Resolution dated 13.11.2016. This Court had occasion to deal with the appeals which are preferred when enhancement was within four times. A view is taken that such appeals are liable to be dismissed. A useful reference can be made to the **judgment dated 28.07.2025 in the matter of the Executive Engineer, Latur M. I. D. Latur Vs. The State of Maharashtra and others in Writ Petition No. 2053 of 2024.**

6. Preliminary objection raised by the respondents is sustained. The appellants – acquiring body should have preferred appeals. Both appeals are liable to be dismissed.

7. This Court cannot be oblivious of the fact that interest in both the matters is held to be payable from the date of possession. This approach is against the law laid down by the

Full Bench of this Court in the matter of the State of Maharashtra Vs. Kailas Shiva Rangari (supra). Appellants are entitled to receive the interest from the date of award i. e. 23.11.2012. Only if the possession is taken under urgency clause U/Sec. 17 of the L. A. Act, then and then only interest is payable from the date of possession. It would be open for the respondents – claimants to claim rental compensation from the date of possession till declaration of award.

8. The respondents – claimants have preferred Civil Application No. 12803 of 2025 and Civil Application No. 12804 of 2025 seeking withdrawal of amount of Rs. 62,72,859/-. In case of first appeal of Shivaji Tatyaba Solankhe an amount of Rs. 49,10,340/- and in case of first appeal of Shivaji Raghunath Panchal amount of Rs. 13,62,519/- has been deposited by the acquiring body. The claimants are entitled to receive the deposited amount with accrued interest subject to deduction as the interest is held to be payable from the date of award.

9. For the reasons recorded above, I find no merit in the first appeals. I, therefore, pass following order.

O R D E R

A. First appeals are dismissed.

B. It is clarified that interest U/Sec. 28 and 34 of the L. A. Act shall be payable from the date of award as per judgment the State

of Maharashtra Vs. Kailas Shiva Rangari (supra).

C. The respondents - claimants are entitled to claim rental compensation from the date of possession till declaration of award.

D. Award be drawn up accordingly.

E. In view of dismissal of appeals, the total amount deposited by the appellants – acquiring body in this Court shall be disbursed to the claimants after adjusting the amount due by applying interest payable from the date of award.

F. If it is found that acquiring body has deposited the amount excluding the interest payable from the date of possession, then entire amount shall be disbursed to the claimants.

G. If the amount is found excess, the same shall be returned to the acquiring body.

H. The civil applications for withdrawal of amount and for stay shall stand disposed of.

[SHAILESH P. BRAHME J.]

bsb/Dec. 25