



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

WRIT PETITION NO. 5698 OF 2022

KASHIBAI w/o APPARAO PATIL,
SINCE DECEASED THR HER L.RS.
JEEVAN PANDITRAO PATIL,
Age : 43 years, Occu: Agriculture,
R/o Jamalpur, Tq. Ausa,
District Latur.

...PETITIONER

-VERSUS-

1. THE STATE OF MAHARASHTRA.
Through the Secretary to the
Government of Maharashtra in
Revenue and Forests Department,
Mantralaya, Fort, Mumbai-32.
2. The Collector, Latur.
3. The Sub Divisional Officer,
Ausa-Renapur, Dist. Latur.

...RESPONDENTS

...
Shri N.P. Patil Jamalpurkar, Advocate for the Petitioner.
Shri A.B. Girase, Government Pleader for Respondent Nos.1 to
3/State.

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**CORAM : ALOK ARADHE, CJ.
&
RAVINDRA V. GHUGE, J.**

DATE : 19th March, 2025

ORAL JUDGMENT (Per Chief Justice) :-

1. Rule. Rule made returnable forthwith and heard

finally by consent of the parties.

2. In this petition, the Petitioner is seeking a direction to Respondent Nos.2 and 3 to make payment of interest at the rate of 15% per annum on the amount of Rs.84,24,792/- determined under the award passed under Section 28-A of the Land Acquisition Act, 1894, for the period from 19.01.2017 i.e. date of award till the payment under the award was made i.e. 30.11.2021.

3. The facts which are not in dispute are that the Petitioner was admittedly owner of the land bearing Gat No.382 admeasuring 3 H 18 R situated at Khuntegaon, Taluka Ausa, District Latur. Sometime in 2000, the proceedings under the Land Acquisition Act, 1894, were initiated for acquisition of land for the purpose of construction of water storage tank at village Khuntegaon. On 27.04.2005, the award was passed under the provisions of the Land Acquisition Act, 1894.

4. It is pertinent to note that along with the land of the Petitioner, the lands of several other landholders were also acquired. Being dissatisfied with the quantum of compensation, other land owners sought a reference under Section 18 of the

Land Acquisition Act, 1894. The said reference was decided by the District Judge by judgment dated 08.11.2012. The Petitioner thereupon filed an application under Section 28-A of the Land Acquisition Act, 1894, for seeking benefits of enhanced compensation. However, the application filed by the Petitioner failed to receive any response. Thereupon, the Petitioner filed Writ Petition No.4661/2015, which was disposed of by this Court by order dated 30.04.2015 by which, the Collector, Latur, was directed to pass the award under Section 28-A of the Land Acquisition Act, 1894.

5. In compliance of the aforesaid order, the award under Section 28-A was passed by the Collector on 19.01.2017. However, the amount of compensation was paid to the Petitioner after delay of four years and ten months. The Petitioner has, therefore, approached this Court seeking the relief as stated supra.

6. The learned Advocate for the Petitioner submitted that the Petitioner is entitled to interest on the enhanced compensation under Section 28 of the Land Acquisition Act, 1894. The learned Government Pleader has not disputed the

entitlement of the Petitioner.

7. We have considered the submissions made by both the sides and perused the record.

8. For deciding the issue, Section 28 of the Land Acquisition Act, 1894, is extracted below:-

“28. Collector may be directed to pay interest on excess compensation.

If the sum which, in the opinion of the Court, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Court may direct that the Collector shall pay interest on such excess at the rate of [nine per centum] per annum from the date on which he took possession of the land to the date of payment of such excess into Court:

Provided that the award of the Court may also direct that where such excess or any part thereof is paid into Court after the date of expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen per centum per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into court before the date of such expiry.”

9. Thus, it is evident that on enhanced amount of compensation, the Petitioner is entitled to interest initially at the

rate of 9% per annum and thereafter, at the rate of 15% per annum from the date of possession till actual payment is made.

10. In the aforesaid fact situation, the Petitioner is entitled to benefits of interest under Section 28 of the Land Acquisition Act, 1894. The Respondents are, therefore, directed to extend the said benefits to the Petitioner on the enhanced amount of compensation, within a period of four months from today. The Writ Petition is, accordingly, allowed.

11. Rule is made absolute in the above terms.

(RAVINDRA V. GHUGE, J.)

(CHIEF JUSTICE)