



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

FIRST APPEAL NO. 2953 OF 2016

Raosaheb Ashraji Kavhale .. Appellant

Versus

The State of Maharashtra and others .. Respondents

Shri Deepak M. Kakade, Advocate for the Appellant.
Shri K. K. Naik, A.G.P. for the Respondent Nos. 1 and 2.
Shri Rururaj C. Patil, Advocate for the Respondent No. 3.

CORAM : SHAILESH P. BRAHME, J.
DATE : 02ND APRIL, 2025.

FINAL ORDER :

. Heard both sides finally with their consent.

2. Both sides are unanimous that already this Court in First Appeal No. 2653 of 2017 in the matter of Khiraji Haribhau Shinde Vs. The State of Maharashtra and others and another connected matter passed order on 03rd February, 2025, which can be made applicable and present appeal can be disposed of in terms of its para No. 4. The copy of the order dated 03rd February, 2025 in First Appeal No. 2653 of 2017 is tendered on record which is marked as Exhibit 'X' for identification.

3. There is no dispute that land of the present appellant is also acquired for Nimna Dudhna Project under award No.

LAQ/MiW/CR/31/95 dated 31.03.1999. The reference Court passed common judgment on 22nd August, 2008 deciding reference of the present appellant as well as reference of Khiraji Haribhau Shinde in L. A. R. No. 39 of 2001 and other connected references also. The coordinate Bench on 03rd February, 2025 decided first appeal of self same Khiraji Hirbhau Shinde. Both side agree that present appeal can be disposed of in terms of para No. 4 of the order dated 03.02.2025, which is as follows :

4. Thus, now the parties have agreed to dispose of these appeals on following conditions :-

(I) The parties have agreed that the Acquiring Body shall pay four times of the amount awarded by Special Land Acquisition Officer or Rupees 2400/- per R in case of Non Irrigated land, Rs. 3600/- per R for Semi Irrigated Land, Rs. 4800/- per R for Irrigated Land and Rs. 1200/- per R for Pot Kharab land, whichever is lesser. Both the contesting parties, agreed that the lands involved in these appeals are irrigated land. The respondent No.3-Acquiring Body in both these appeals shall deposit the amounts of compensation, so arrived within 18 months from today.

(ii) If the amount is deposited within 18 months from today, by the Acquiring Body, then both the appellants/claimants have agreed not to claim interest for the period of this 18 months. In case the amount is not deposited within 18 months, the said amounts shall carry interest as per the legal provision in The Land Acquisition Act 1894.

(iii) It is made clear that, for the period of delay which caused in filing these appeals the appellants/claimants shall not be entitled to claim any interest as per the law. Further, it is also made clear that the claimants shall not entitled to claim any interest for the

period mentioned in the order dated 3rd February 2023, in proceedings before Hon'ble Supreme Court bearing SLP No. 3600 of 2022 & SLP No. 3334 of 2022.

(iv) The interest be paid as per judgment in Full Bench in case of **State of Maharashtra Vs. Kailash Shiva Rangari, 2016 (4) ALL MR 513.**

(v) After the amounts are deposited, the same be paid to the appellants/claimants in both these appeals.

4. Present first appeal is disposed of in above terms. Award shall be drawn up accordingly. The appellant shall pay the deficit court fees if any.

[SHAILESH P. BRAHME J.]

bsb/April 25