



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8537 OF 2022

1. Narayan S/o Ramji Aneraye,
Age: 60 Years, Occu.: Agril.,
2. Rajaram S/o Dhondiba Rangawar,
Age: 50 Years, Occu.: Agril.,
3. Laxman S/o Lalji Supare,
Age: 65 Years, Occu.: Agril.,
4. Gangadhar S/o Maroti Chandapure
Age: 62 Years, Occu.: Agril.,
5. Mahajanbai Irvanta Honshete,
Age: 80 Years, Occu.: H.H. & Agril.,
6. Anandrao Basvanta Honshete,
Age: 70 Years, Occu.: Agril.,
7. Vitthal Iranna Aneraye,
Age: 60 Years, Occu. Agril.,
8. Madhav S/o Maroti Aneraye,
Age: 70 Years, Occu.: Agril.,
9. Hanmant Irvanta Patne,
Age: 46 Years, Occu.: Agril.,
10. Ashok S/o Maroti Ghogre,
Age: 60 years, Occu.: Agril.,
11. Digambar Panda Gaikwad (Died)
through his LRs.
- 11.A. Manika Panda Gaikwad,
Age 62 years, Occu. Agril.
- 11.B. Laxmibai Datta Gaikwad,
Age 58 years, Occu. Agril.,
- 11.C. Kachru S/o Shetiba Gaikwad,
Age 59 years, Occu. Agril.,

12. Gangadhar Irvanta Honsehete,
Age: 55 Years, Occu.: Agril.,
13. Hanmantrao S/o Basvanta Honshete,
Age: 65 Years, Occu.: Agril.,
14. Babu S/o Maroti Supare,
Age: 55 years, Occu.: Agril.,
15. Ganpati S/o Mahadji Supare,
Age: 80 years, Occu.: Agril.,
16. Ramesh S/o Shankar Supare,
Age: 52 years, Occu.: Agril.,
17. Harichandra S/o Hanmantrao Aneraye,
Age: 65 Years, Occu.: Agril.,
18. Gajanan S/o Harichandra Aneraye,
Age 30 Years, Occu.: Agril.,
19. Rukhminbai Harichandra Aneraye,
Age: 60 Years, Occu.: H.H. & Agril.,
20. Madhav S/o Lalji Supare,
Age: 58 years, Occu.: Agril.,
21. Kashinath S/o Sampati Aneraye,
Age: 40 Years, Occu.: Agril.,
22. Santosh S/o Madhav Aneraye,
Age: 28 years, Occu.: Agril.,
23. Ganpati S/o Madhav Aneraye,
Age 62 years, Occu. Agril,

All R/o Beldara, Tq. Umri,
District Nanded.

... PETITIONERS

VERSUS

1. The State of Maharashtra,
through its Principal Secretary
Irrigation Department,
Mantralaya, Mumbai – 32.

2. The Presiding Officer,
Land Acquisition, Rehabilitation
and Resettlement Tribunal, Nagpur.

**(As per Court order dated 23.08.2022
respondent No.2 deleted)**

3. The District Collector, Nanded,
District Nanded.
4. The Special Land Acquisition Officer
cum Deputy Collector Minor
Irrigation Percolation Tank, Nanded.
5. The Executive Engineer
Udharv Painganga Project Division-6,
Nanded, Dist. Nanded

... RESPONDENTS

...

Advocate for the Petitioners : Mr. S.S. Thombre
AGP for the respondent – State : Ms. V.N. Patil – Jadhav
Advocate for Respondent no. 5 : Mr. D.B. Pawar

...

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

DATE : 19 MARCH 2025

ORAL JUDGMENT (PER - RAVINDRA V. GHUGE, J.)

1. Rule. Rule made returnable forthwith and heard finally,
by consent of the parties.
2. The Petitioners have put forth prayer clause (B), as
under:-

"B] By issuing writ of certiorari or any other appropriate writ, order or directions in the like nature, the award dated 30.09.2020 passed by the respondent No. 2/Presiding Officer, Land Acquisition, Rehabilitation and Resettlement, Nagpur may kindly be modified

thereby directing the respondent No. 2 to grant interest on the total amount of compensation as per the award dated 10.03.2016 passed by the respondent No.4/Special Land Acquisition Officer cum Deputy Collector, Nanded."

3. We have considered the submissions of the learned Advocates for the respective sides and have perused the affidavits in reply filed by the Respondent No. 3 and 4.

4. The Petitioner claims that the compensation in accordance with Section 80 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ('**The Act of 2013**'), has not been properly computed. The stand taken by the State vide it's affidavit in reply, based on the order of the Special Land Acquisition Officer dated 30.09.2020, reads as under :-

आदेश

"संपादीत जमिन गट करा. १६ क्षेत्र ०.०८ चा वाढीव मोबदला रुपये १,९८,८४०/- देण्यात यावा. (एकुण मोबदला रू ३,७६,५८१/-) वाढीव मोबदल्यावर जमीनीचा ताबा घेतल्यापासून ०१ वर्षापर्यंत द.सा.द.शे. ९ प्रमाणे व्याज देण्यात यावे त्यानंतर व्याजाचा दर द.सा.द.शे. १५ प्रमाणे राहील.

अर्जदारांनी ह्या प्रकरणात कोर्ट फी दिलेली नाही. मा.मुंबई उच्च न्यायालयाच्या औरंगाबाद खंडपीठासमोरील रिट पीटीशन क्र.४०४३/१९ मधील निर्णयास अधीन राहून कोर्ट फी अर्जदाराकडून वसूल करण्यात यावी.

ह्या प्रकरणाचा खर्च गैरअर्जदारांनी अर्जदारास द्यावा."

5. It is the case of the Petitioner that the compensation should have been calculated from the date of possession considering the delay in it's payment. The order of the Special

Land Acquisition Officer dated 30.09.2020, is silent on the date of possession, though it has been stated that interest has been computed @ 9% per annum for the first year on the delayed payment to the extent of the enhanced compensation and @ 15% per annum, thereafter.

6. Per contra, the Petitioner's case is that the compensation has been delayedly paid and Section 80 of the 2013 Act would warrant interest to be paid on the entire amount which is delayedly paid.

7. We would refrain from entering into the disputed issues. Ends of justice would be met by directing the concerned Authority to consider the date of actual possession taken and the compensation paid, in the light of Section 80 of the Act of 2013. Such calculation shall be made within a period of two (2) months from today and if there is any shortfall in the payment of interest, the same shall be paid to the Petitioner within 45 days, thereafter. If the Authority is convinced that the interest component has been rightly computed, details of such calculations shall be informed to the Petitioner in writing, within a period of 60 days from today. If the Petitioners are aggrieved by the said calculations, they would be at liberty to avail of a remedy, as is permissible in law.

8. With the above directions, the Writ Petition is disposed off.
9. Rule is discharged.

[RAVINDRA V. GHUGE, J.]

[CHIEF JUSTICE]

arp/