



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 CIVIL APPLICATION NO. 12808 OF 2025
IN FAST/16788/2024

MAHADEO RAMA KHANDEKAR

VERSUS

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD

...

Mr. Mukund Shankarrao Patil, Advocate for Applicant

Mr. S. V. Hange, AGP for Respondents-State

Mr. R. B. Deshpande, Advocate for Respondent No.1

WITH

CIVIL APPLICATION NO. 7280 OF 2024
IN FAST/16788/2024

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD

VERSUS

MAHADEO RAMA KHANDEKAR AND OTEHRS

WITH

CIVIL APPLICATION NO. 7281 OF 2024
IN FAST/16788/2024

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD

VERSUS

MAHADEO RAMA KHANDEKAR AND OTEHRS

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 27.11.2025

PER COURT :-

CIVIL APPLICATION NO. 7280 OF 2024

- . Heard both sides.
2. The applicant seeks condonation of delay for the reasons stated in the application.
3. The averments of the application are not disputed. There are no malafides on the part of the applicant.
3. Civil Application is allowed. The delay stands condoned.
4. Office shall register the First Appeal.

CIVIL APPLICATION NO. 7281 OF 2024

- . As the entire amount is deposited by the acquiring body in this Court, stay granted earlier shall stand confirmed.
2. Civil Application is disposed of.

FIRST APPEAL

- . Taken up for final hearing with the consent of the parties at the admission stage.
2. The learned AGP waives service of notice for respondents-State. Mr. R. B. Deshpande, learned counsel waives service of notice for respondent no.1.
3. The appellant-acquiring body has preferred this appeal against the judgment and award dated 10.04.2023. The predominant grievance of the acquiring body is the award of interest from the date of notification as

stipulated in clause no.(5) of the operative order. It is submitted that in view of law laid down in the matter of **State of Maharashtra vs. Kailash Shiva Rangari** reported in **2016(3) Mh.L.J.**, interest is payable from the date of award.

4. The submission canvassed by learned counsel Mr. Deshpande cannot be disputed.

5. Mr. Mukund Patil, learned counsel appearing for respondent no.1-claimant submits that the interest should have been awarded from the date of notification and there is no illegality in the impugned judgment and award.

6. In the present case, the notification under Section 4 was issued on 03.03.2005. Award was passed on 31.03.2006. The acquired area is 3 Hector 18 R from Gat No.248, 253 and 284, in-aggregate. Being aggrieved by the award passed on 31.03.2006, the claimant preferred LAR No.678/2013 and the rate was enhanced to Rs.4560/- per R. Undisputedly, the acquired land was irrigated one.

7. By clause no.(5) of the impugned judgment and award, the interest is awarded from the date of notification instead of date of award, which is a mistake apparent on the face of record and is against the law laid down in the matter of **Kailash Shiva Rangari** (*Supra*). That part of the award needs rectification.

8. In view of the overall position, it is desirable to allow the appeal partly. I, therefore pass the following order :

- (i) First Appeal is partly allowed.
- (ii) Impugned judgment and award shall stands modified and following clause shall be substituted for clause no.(5) :
“The respondents shall pay to the claimant interest at the rate of Rs.9% per annum for the first year from the date of award i.e. 31.03.2006 and at the rate of 15% per annum for the subsequent years till realization of entire amount.”
- (iii) Save and except the above modification, the rest of the award shall stand confirmed.
- (iv) The award be drawn accordingly.
- (v) The amount of Rs.59,89,156/- deposited on 19.06.2025 by the acquiring body before this Court shall be disbursed to the respondent-claimant with accrued interest.
- (vi) Pending applications, if any, are disposed of.

(SHAILESH P. BRAHME, J.)