



Corrected copy : Corrections have been carried out in view of speaking to minutes of the order
dated 25.08.2025.

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

**FIRST APPEAL NO. 1504 OF 2024
WITH
CIVIL APPLICATION NO. 11488/2023 IN FA/1504/2024
WITH
FIRST APPEAL NO. 1505 OF 2024
WITH
CIVIL APPLICATION NO. 11492/2023 IN FA/1505/2024
WITH
FIRST APPEAL NO. 1506 OF 2024
WITH
CIVIL APPLICATION NO. 11490/2023 IN FA/1506/2024
WITH
FIRST APPEAL NO. 1507 OF 2024
WITH
CIVIL APPLICATION NO. 11486/2023 IN FA/1507/2024**

**EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION OSMANABAD
VERSUS
SUBHASH DATTU PAWAR AND OTHERS**

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Advocate for Appellants : Mr. Avishkar S. Shelke
A.G.P. for Respondent nos. 2 and 3 : Mr. D.B. Bhange

CORAM : SHAILESH P BRAHME, J.

DATE : 12.08.2025

PER COURT :

Heard both sides finally.

2. A short question is involved in all these appeals as to whether the respondents/claimants are entitled to receive interest under Section 28 of the Land Acquisition Act, 1894, from the date of possession or from the date of award ?

3. This issue is no more *res integra* and is settled by judgment rendered

by full bench in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari; 2016 (3) Mh.L.J. 457**, and further judgments of the coordinate benches.

4. Though respondents/claimants were served twice before condonation of delay and after condonation of delay also, they did not cause appearance in the matters. It was indicated that these appeals would be decided finally. Hence, today I heard learned advocate Mr. Shelke appearing for the appellant-acquiring body.

5. Only ground pressed into service in all these appeals is that interest has been awarded under Section 28 of the Land Acquisition Act, from the date of possession, which is against settled legal position. It should have been awarded from the date of award.

6. To corroborate this proposition, compilation of judgments is tendered on record. Amongst those, judgment in the matter of **State of Maharashtra Vs. Kailas (supra)** is of full bench, in which the issue is settled in paragraph nos. 32 and 33. The claimant is entitled to interest from the date of award, if the possession is taken over prior to notification under Section 4 of the Act. The same view has been reiterated by many judgments, which are part of compilation, which need not be referred independently.

5. Following are the relevant facts/events in all these appeals.

Sr. No.	Date	Event
1)	01.08.2000	Possession of the land in question was taken from the respondents/claimants.
2)	30.01.2003	Notification under Section 4 was issued.
3)	23.02.2006	Notification under Section 6 was issued.
4)	27.03.2008	Award was passed by the Special Land Acquisition Officer

5)	03.04.2018	Common judgment and Award passed by the Reference Court.
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6. By common judgment and award dated 03.04.2018, the learned Civil Judge Senior Division, Paranda, enhanced the compensation but committed patent illegality in awarding the interest by following clause.

“(4) The respondents further do pay interest to the claimants in all petitions @ 9% per annum on enhanced market value of their acquired lands from the date of taking over possession i.e. from 01.08.2000 for the first year and interest @ 15% per annum for subsequent year till realization of entire amount vide Section 28 of the Land Acquisition Act, 1894.”

7. The possession of the lands in question is taken by the appellant-acquiring body prior to issuance of notification under Section 4 of the Act. Hence, the respondents/claimants are entitled to receive interest from the date of award i.e. 27.03.2008. This is the only ground raised in the appeals by the acquiring authority and they are bound to succeed.

8. First Appeals are partly allowed.

9. The judgment and award dated 03.04.2018 shall stand confirmed except Clause No. 4, which is substituted by following clause :

“(4) The respondents further do pay interest to the claimants in all petitions @ 9% per annum on enhanced market value of their acquired lands **by award dated 27.03.2008** for the first year and interest @ 15% per annum for subsequent year till realization of entire amount vide Section 28 of the Land Acquisition Act, 1894.”

10. Award be drawn accordingly.

11. Pending Civil Applications are disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-