IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 FIRST APPEAL NO. 2980 OF 2008

Executive Engineer, Irrigation And Water Supply ZP, Jalgaon And Anr
VERSUS
Namdeo Tembh Pandhare

...

Mr. S.R. Dheple, Advocate for the Appellant-Acquiring Body
Mr. A.B. Kale Ajeet B., Advocate for Respondent

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 30 OCTOBER, 2026

PER COURT :

1. The learned counsel Mr. R.V. Naiknavare, who had earlier appeared on behalf of the appellant-Zilla Parishad, Jalgaon, is reported to have expired. Since the present appeal has been pending since 2008 and no other counsel has been engaged by the Zilla Parishad, Jalgaon, this Court requested learned counsel Mr. S.R. Dheple, who is also on the panel of advocates for the Zilla Parishad, Jalgaon, to appear in the matter and assist the Court. He has graciously accepted the request.

2. Heard the learned counsel for the respective parties.

3. By this appeal, the appellant-acquiring body challenges the Judgment and Award dated 08.12.2005 passed by the learned Civil Judge, Senior Division, Jalgaon, in Land Acquisition Reference No.335 of 2001, arising out of the acquisition of land admeasuring 1 Hectare 38 R out of Gat No.152/1, situated at village Sheri, Taluka Jamner, District Jalgaon, for the purpose of the irrigation and water supply project.

4. Learned counsel for the respondent-claimant submits that the issue regarding determination of compensation for the land acquired from the same village, for the same project and under the same notification, has already been decided by this Court in First Appeal No.2981 of 2008 and connected matters, by order dated 05.10.2026. Learned counsel Mr. S.R. Dheple, appearing for the appellant-acquiring body, fairly concedes the same.

5. Having considered the submissions advanced by the learned counsel for the respective parties, and in view of the fact that the controversy involved in the present appeal is identical to the one decided by this Court in the aforesaid matter, there is no reason to take a different view. The present appeal, therefore, deserves to be disposed of in terms of the said order. Hence, the following order:

O R D E R

(i) The First Appeal filed by the acquiring body is partly allowed.

(ii) Interest under Sections 28 and 34 of the Land Acquisition Act, 1894, as applicable, shall be payable in accordance with the law laid down by the Full Bench of this Court in ***State of Maharashtra v. Kailash Shiva Rangari, 2016 (3) Mh.L.J. 457***.

(iii) Save and except the modification made hereinabove, the impugned Judgment and Award remains unaltered.

(iv) The modified award be drawn accordingly.

(v) The claimant is at liberty to file an appropriate application before the Collector, Jalgaon, for claiming rental compensation for the period from the date of taking possession till the date of the award.

(vi) If such an application is filed, the Collector, Jalgaon, shall decide the same in accordance with the prevailing Government policy, within twelve weeks from the date of filing of the application, after granting an opportunity of hearing to all the parties concerned.

(vii) Pending Civil Applications, if any, stand disposed of accordingly.

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane