IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

275 FIRST APPEAL NO. 966 OF 2016

The State Of Maharashtra
VERSUS
Narayan Namdev Bhadke (Died)
Through L.Rs.Gajrabai Narayan Bhadke And Others

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276 FIRST APPEAL NO. 967 OF 2016

The State Of Maharashtra
VERSUS
Awadabai Baba Bandawan And Others

.....

277 FIRST APPEAL NO. 968 OF 2016

The State Of Maharashtra
VERSUS
Haridas Dattu Bandawan (Died)
Through His L.Rs. Digambar Bandawan (Died)
Through L.Rs. Kamal And Ors

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Mr. S.S. Dande, A.M. Phule, D.R. Korde, AGPs for Appellant-State
Mr. A.R. Barate, Advocate for Respondents-Claimants

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CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 06 OCTOBER, 2026

PER COURT :

1. Heard the learned counsel for the respective parties.

2. By these appeals, the Appellant-State takes exception to the common impugned Judgment and Award dated 05.01.2001 passed by the learned 3rd Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference Nos.165 of 2001, 285 of 2000 and 145 of 2001, whereby the

learned Reference Court has enhanced the compensation along with statutory benefits.

3. The lands belonging to the respective claimants, admeasuring 60 R from Survey No.59/2, 35 R from Survey No.59/5, 65 R from Survey No.59/4 and 76 R from Survey No.61/2, situated at village Ghatnadur, Taluka Bhoom, District Osmanabad, were acquired for the purpose of construction of Percolation Tank at Ghatnandur. The notification under Section 4 of the Land Acquisition Act, 1894 (for short, “the Act”), came to be published on 22.02.1994. Possession of the acquired lands was taken by way of private negotiations on 01.01.1991. The Special Land Acquisition Officer (for short, “the SLAO”) passed the Award under Section 11 of the Act and awarded compensation at the rate of Rs.18,500/- per Hectare. The claimants received the amount under protest and sought references under Section 18 of the Act, contending that the compensation awarded by the SLAO was meagre and inadequate.

4. Before the learned Reference Court, the claimants relied upon the sale instance at Exhibit 31, dated 13.08.1990, pertaining to the same village, whereby land admeasuring 60 R of irrigated land from Survey No.59-A was sold for a consideration of Rs.57,000/-, along with 1/4th share in the well and electric motor. On the basis of the said sale instance, the learned Reference Court determined the market value of the acquired lands at the rate of Rs.26,640/- per Acre. This Court finds no error in the determination

of the market value by the learned Reference Court. The enhancement granted in favour of the claimants, therefore, does not call for interference.

5. However, insofar as the award of interest under Section 28 of the Act is concerned, the learned Reference Court has directed payment of such interest from the date of publication of the notification under Section 4 of the Act. The said direction is contrary to the law laid down by the Full Bench of this Court in ***State of Maharashtra Vs. Kailas Shiva Rangari, reported in 2016 (3) Mh.L.J. 457***. Accordingly, to that extent, the impugned Judgment and Award requires modification. Hence, the following order:

O R D E R

(i) The First Appeals are partly allowed.

(ii) The common impugned Judgment and Award dated 05.01.2001 passed by the learned 3rd Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference Nos.165 of 2001, 285 of 2000 and 145 of 2001, is modified to the aforesaid extent.

(iii) The claimants shall be entitled to interest under Sections 28 and 34 of the Act in accordance with law, including the law laid down by this Court in ***State of Maharashtra Vs. Kailas Shiva Rangari*** (supra).

(iv) Except to the aforesaid extent, the remaining part of the common impugned Judgment and Award passed by the learned Reference Court shall remain unaltered.

(v) The claimants shall be entitled to withdraw the amount deposited by the State/Acquiring Body, together with accrued interest thereon, in accordance with the modified Award.

(vi) Bank Guarantee or solvent security, if any, furnished by the claimants, stands discharged.

(vii) The modified Awards shall be drawn accordingly.

(viii) The claimants are at liberty to file an appropriate application for rental compensation before the Collector, Osmanabad. If such application is filed, the Collector, Osmanabad, shall consider and decide the same in accordance with the prevailing Government Policy, within a period of twelve weeks from the date of receipt of such application.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE

S P Rane