IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

273 FIRST APPEAL NO. 938 OF 2016

The State Of Maharashtra
VERSUS
Sambhaji Kashinath Kolekar And Others

.....

274 FIRST APPEAL NO. 940 OF 2016

The State Of Maharashtra
VERSUS
Laxman Anna Mahanawar (Died)
Through L.Rs.Ambadas Laman Mahanawar And Another

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Mr. S.N. Morampalle, AGP for Appellant-State
Mr. K.R. Doke, 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 04.10.2023 passed by the learned 3rd Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference Nos.464 of 2000 and 669 of 2000, whereby the learned Reference Court has enhanced the compensation along with statutory benefits.

3. The lands belonging to the respective claimants, admeasuring 75 R and 2 Hectares 40 R, were acquired from Gat Nos.278 and 308, situated at village Savargaon, Taluka Bhoom, District Osmanabad, for a public purpose.

The notification under Section 4 of the Land Acquisition Act, 1894 (for short, “the Act”), came to be published on 23.09.1995. Possession of the acquired lands was taken on 18.04.1992. The Special Land Acquisition Officer (for short, “the SLAO”) passed the Award under Section 11 of the Act on 14.07.1998 and determined the compensation at the rate of Rs.15,000/- 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 meager and inadequate.

4. Before the learned Reference Court, the claimants relied upon the sale instance at Exhibit 27, dated 01.12.1994, pertaining to village Pathrud, whereby land admeasuring 26 R was sold for a consideration of Rs.30,000/-. The said sale instance was prior to the publication of the notification under Section 4 of the Act. The learned Reference Court relied upon the said sale instance and, after applying a deduction of 25% on the ground that the sale instance pertained to a different village, determined the market value of the acquired lands at the rate of Rs.34,500/- per Acre.

5. Having regard to the sale instance relied upon by the learned Reference Court and the deduction of 25% applied on account of the sale instance pertaining to a different village, 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.

6. 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. Such direction is contrary to the law laid down by this Court in ***The State of Maharashtra Vs. Ramesh Tukaram Meshram and Others, 2018 (1) ALL MR 645***, wherein it has been held that Sections 28 and 34 of the Act are *pari materia* and the interest under Section 28 is payable in accordance with the same principle governing Section 34. Accordingly, to that extent, the impugned Judgment and Award requires modification.

7. Hence, the following order:

O R D E R

(i) The First Appeals are partly allowed.

(ii) The common impugned Judgment and Award dated 04.10.2023 passed by the learned 3rd Joint Civil Judge, Senior Division, Osmanabad, in Land Acquisition Reference Nos.464 of 2000 and 669 of 2000, is modified to the aforesaid extent.

(iii) The claimants shall be entitled to interest under Section 28 of the Act in accordance with law, including the law laid down by this Court in ***The State of Maharashtra Vs. Ramesh Tukaram Meshram and Others*** (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