IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

942 FIRST APPEAL NO. 1772 OF 2017

The Executive Engineer, Minor Irrigation Medium Project, Bhoom
Through M.K.V.D.C. Pune And Others
VERSUS
Raghunath Vitthal Patil (Died)
Through His L.Rs.Vijaysingh Raghunath Patil And Others

.....

Mr. R.R. Tambe, Advocate for Appellant-Acquiring
Mr. E.S. Murge, Advocate for Respondents-Claimants

.....

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 23 OCTOBER, 2026

PER COURT :

1. Heard the learned counsel for the respective parties.

2. By this appeal, the appellant-acquiring body challenges the Judgment and Award dated 10.07.2014 passed by the learned Civil Judge, Senior Division, Bhoom, in Land Acquisition Reference No.474 of 2014, in respect of the lands acquired for the Wangi (Jawala) Storage Tank, Taluka Bhoom, District Osmanabad.

3. Learned counsel appearing for the claimants submits that this Court has already decided an appeal arising out of the same project. By order dated 17.08.2026 passed in First Appeal No.4723 of 2017 and connected matters, this Court partly allowed the appeal by modifying the impugned Judgment and Award to the extent of the interest awarded by the learned Reference Court from the date of taking possession of the acquired lands.

4. Having considered the submissions advanced by the learned counsel for claimants, and in view of the fact that the issue involved in the present appeal is squarely covered by the aforesaid decision of this Court, I see no reason to take a different view. The present appeal, therefore, deserves to be partly allowed in terms of the aforesaid order. Hence, the following order:

O R D E R

(i) The First Appeal is partly allowed.

(ii) The compensation awarded in respect of the acquired lands and trees by the learned Reference Court is confirmed.

(iii) The impugned Judgment and Award stands modified to the extent of the interest awarded from the date of taking possession of the acquired lands. The claimants shall be entitled to interest in accordance with the law laid down by the Full Bench of this Court in ***State of Maharashtra v. Kailash Shiva Rangari, reported in 2016 (3) Mh.L.J. 457***.

(iv) The claimants are permitted to withdraw the amount, if any, deposited by the acquiring body, in accordance with the modified award.

(v) The modified award be drawn accordingly.

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

[SIDDHESHWAR S. THOMBRE]
JUDGE