



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

64 FIRST APPEAL NO. 397 OF 2026
WITH
CIVIL APPLICATION NO. 10359 OF 2025
IN FA/397/2026

THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION OSMANABAD
AND ORS

VERSUS
AJAY MOHAN SONTAKKE

...
Advocate for Appellant : Mr. Ruturaj Chandrashekar Patil

...
CORAM : SHAILESH P BRAHME, J.

DATE : 16.03.2026

PER COURT :

Heard learned counsel Mr. Ruturaj Patil for the appellant.

2. None appears for the respondent, despite service of notice. It was already indicated that the matter shall be decided finally because challenge in the appeal is to the limited extent.

3. The Acquiring Authority has filed this appeal against judgment and award dated 06.02.2016 passed in L.A.R. No. 452/2015. Impugned judgment is assailed on the ground that the rate fixed by the Reference Court to the tune of Rs. 2500/- per Are for dry land is patently illegal and there is no reason to adopt the rate from L.A.R. No. 247/2007. Another ground of challenge is that the interest awarded under Section 34 of the L.A. Act is not in consonance with the law laid down by full bench in the matter of State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141].

4. In the case at hand, notification under Section 4 was issued on 25.06.2004 and award was passed on 31.03.2006 offering rate of Rs. 550/-

per Are treating the land to be dry land. The respondent/claimant carried the matter to the Reference Court and succeeded in getting enhancement to the tune of Rs. 2500/- per Are. The rate is enhanced by the Reference Court relying upon the rate fixed in L.A.R. No. 247/2007. The Reference Court has assigned reason of parity for adopting the rate. No case is made out by the appellant to show that the discretion exercised by the Reference Court is enormous or perverse. There is similarity in the land under acquisition as well as land acquired in L.A.R. No. 247/2007. In that case also the land was acquired for self same purpose and there is common proceeding. I find no merit in the submissions of the learned counsel for the appellant in this regard.

5. It reveals from clause No. 3 of the operative part of the impugned judgment that compensation under Section 34 was awarded from the date of possession i.e. 25.03.2004. Another defect is that interest has been awarded on the enhanced compensation. It is trite law that the claimant is entitled to have interest under Section 28 and 34 of the L.A. Act, as per law laid down by the full bench in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]**. The interest is payable from the date of award and not from the date of possession. The interest under Section 34 of the L.A. Act is payable for the compensation awarded by the Spl. Land Acquisition Officer and not for the enhanced compensation. The submissions needs to be accepted and the impugned award needs to be rectified to that extent.

6. (i) First Appeal is allowed partly.

(ii) Impugned judgment and award shall stand modified to the extent by substituting clause No.3 as follows:

“Interest under Section 34 of the Land Acquisition Act shall be paid as per judgment of **State of Maharashtra Vs. Kailash Shiva Rangari [2016 AIR (Bom.)141]**.”

- (iii) Save and except above modification, the impugned judgment and award shall stand unaltered.
- (iv) Record and Proceeding be sent back to the Reference Court.
- (v) The appellants shall pay deficit court fees.
- (vi) Award be drawn accordingly.
- (vii) Pending Civil Application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-