IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 FIRST APPEAL NO. 164 OF 2025

The Executive Engineer,
Medium Project Division, Osmanabad,
Tal. & Dist. Osmanabad. APPELLANT
[Orig. Resp. No 3]

VERSUS

1. Babu Maruti Jarande (Died),
Since deceased through his L.Rs.

l/l Bansi Babu Jarande,
Age - 42 year, Occ. Agriculture,
R/o. Pandharewadi, Tq. Paranda,
Dist. Osmanabad.

1/2. Kasturabai w/o Ajinath Jarande,
Age - 45 year, Occ. Agriculture,
R/o. as above.

1/3 Babita w/o Gautam Bibe,
Age - 44 year, Occ. Agriculture,
R"/o. Malewadi, Tq. & Dist. Beed.

l/4 Binta w/o Dada Pawar,
Age - 35 year, Occ. Agriculture,
R/o. Pandharewadi, Tq. Paranda,
Dist. Osmanabad.

2. Mahadeo Babu Jarande,
Age - 58 years, Occ. Agriculture,
R./o. Pandharewadi, Tq. Paranda,
Dist. Osmanabad. ...Orig. Claimants

3. The State of Maharashtra
Through Collector office, Osmanabad,
Tq. and District Osmanabad.

4. The Special Land Acquisition Officer,
(Minor Irrigation Work) Osmanbad,
Head Office, Paranda,

Dist. Osmanabad. Respondents

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WITH

FIRST APPEAL NO. 163 OF 2025

The Executive Engineer,
Medium Project Division, Osmanabad,
Tal. & Dist. Osmanabad. APPELLANT
[Orig. Resp. No 3]

VERSUS

1. Ramesh Hiralal Solunki,
Age: Major, Occupation: Agriculture,

2. Satish Hiralal Solunki,
Age: Major, Occupation: Agriculture,

3. Sanjay Hiralal Solunki,
Age: Major, Occupation: Agriculture,

4. Hiralal Shivlal Solunki,
Age: Major, Occupation: Agriculture,
All are R/o. Pandharewadi,
Tq. Paranda, Dist. Osmanabad. ... Org. Claimants

5. The State of Maharashtra
Through its Collector,
Osmanabad, Taluka and District Osmanabad.

6. The Special Land Acquisition Officer
(Minor Irrigation Work), Osmanabad,
Head Ofifce, Paranda, Dist. Osmanabad.
District Osmanabad Respondents

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WITH

FIRST APPEAL NO. 165 OF 2025

The Executive Engineer,
Medium Project Division, Osmanabad,
Tal. & Dist. Osmanabad. APPELLANT
[Orig. Resp. No 3]

VERSUS

1. Popatlal Shivlal Solunki,
Age - Major, Occ. Agriculture,
R/o. Pandharewadi, Tq. Paranda,
Dist. Osmanabad. (Orig. Claimant)

2. The State of Maharashtra
Through its Collector,
Osmanabad, Taluka and District Osmanabad.

3. The Special Land Acquisition Officer
(Minor Irrigation Work), Osmanabad,
Head Ofifce, Parand4 Dist. Osmanabad.
District Osmanabad Respondents

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WITH

CIVIL APPLICATION NO. 2053 OF 2024 IN FAST/1676/2024

The Executive Engineer,
Medium Project Division,
Osmanabad, Tal. & Dist: - Osmanabad. ...APPLICANT
(Orig. Resp. No. 3)

VERSUS

1. Namdev Kisan Mohite,
Age - Major, Occ. Agriculture,
R/o. Pandharewadi, Tq. Paranda,
Dist. Osmanabad. (Orig. Claimant)2

2. The State of Maharashtra
Through Collector offi ce, Osmanabad,
Tq. and District Osmanabad.

3. The Special Land Acquisition Officer,
(Minor Irrigation Work) Osmanbad,
Head Office, Paranda,
Dist. Osmanabad. ... RESPONDENTS
(Orig. Resp No 1 & 2)

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WITH
FIRST APPEAL NO. 167 OF 2025

The Executive Engineer,
Medium Project Division, Osmanabad,
Tal. & Dist. Osmanabad. APPELLANT
[Orig. Resp. No 3]

VERSUS

1. Vijaykumar Rambhau Khurange
R/o. Pandharewadi, Tq. Paranda,
Dist. Osmanabad. (Orig. Claimant)

2. The State of Maharashtra
Through its Collector,
Osmanabad, Taluka and District Osmanabad.

3. The Special Land Acquisition Officer
(Minor Irrigation Work), Osmanabad,
Head Ofifce, Parandq Dist. Osmanabad.
District Osmanabad Respondents

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WITH
FIRST APPEAL NO. 166 OF 2025

The Executive Engineer,
Medium Project Division, Osmanabad,
Tal. & Dist. Osmanabad. APPELLANT
[Orig. Resp. No 3]

VERSUS

1. Sundhar Rambhau Khurange,
Age - Major, Occ. Agriculture,
R"/o. Pandharewadi, Tq. Paranda,
Dist. Osmanabad. (Orig. Claimant)

2. The State of Maharashtra
Through its Collector,
Osmanabad, Taluka and District Osmanabad.

3. The Special Land Acquisition Officer
(Minor Irrigation Work), Osmanabad,
Head Ofifce, Paranda, Dist. Osmanabad.
District Osmanabad (Orig. respondent no.l & 2)
Respondents

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WITH

FIRST APPEAL NO. 162 OF 2025

The Executive Engineer,
Medium Project Division, Osmanabad,
Tal. & Dist. Osmanabad. APPELLANT
[Orig. Resp. No 3]

VERSUS

1. Sujanbai w/o. Vinayak Shinde,
Age - Major, Occ. Agriculture,
R/o. Pandharewadi, Tq. Paranda,
Dist. Osmanabad. (Orig. Claimant)

2. The State of Maharashtra
Through its Collector,
Osmanabad, Taluka and District Osmanabad.

3. The Special Land Acquisition Officer
(Minor Irrigation Work), Osmanabad,
Head Ofifce, Paranda, Dist. Osmanabad.
District Osmanabad. (Orig. resp no.l & 2)
Respondents.

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WITH

CIVIL APPLICATION NO. 2047 OF 2024 IN FAST/1710/2024

The Executive Engineer,
Medium Project Division, Osmanabad,
Tal. & Dist. Osmanabad. APPELLANT
[Orig. Resp. No 3]

VERSUS

1. Baba Khaitri Bhillare,
Age - Major, Occ. Agriculture,

R"/o. Pandharewadi, Tq. Paranda,
Dist. Osmanabad. (Orig. Claimant 2)

2. The State of Maharashtra
Through Collector office, Osmanabad,
Tq. and District Osmanabad.

3. The Special Land Acquisition Officer,
(Minor Irrigation Work) Osmanbad,
Head Office, Paranda,
Dist. Osmanabad. (Orig. Resp No I & 2)
Respondents

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Advocate for Appellant/s : Mr. Malte Uday S.
AGP for Respondents: Mr. C.V. Bhadane
Advocate for Respondent/s : Mr A.S. More
(in respective appeals.)

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : July 24, 2026

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ORAL JUDGMENT :-

1. The Appellant/Acquiring Body filed present appeals aggrieved by the judgment and award passed by the Reference Court under section 18 of the Land Acquisition Act.

2. Mr. Malte, learned advocate appearing for appellants submits that limited challenge in these appeals is to Clause-4 in operative part of the judgment and award, whereby Reference Court awarded interest on compensation amount from the date of notification under section 4 (1) of the Land Acquisition Act till realization of the entire amount vide section 28 of the Land

Acquisition Act, 1890. According to Mr. Malte, interest on compensation amount ought to have awarded from the date of Award passed by Land Acquisition Officer under section 11 of the Land Acquisition Act instead, from the date of notification under section 4 of the Act. In support of his contentions, he relies upon the judgment delivered by the Full Bench of this Court in case of **State of Maharashtra Vs. Kailash Shiva Rangari reported in 2016 (3) MhLJ 457.**

3. Full bench of this Court after considering the conflicting views on the point of payment of interest on the compensation amount, finally concluded while answering the reference. In paragraph no.33, it is observed as under :-

> *33. If the possession is taken before the notification under section 4(1) of the Land Acquisition Act is published and/or before the award is passed, the landowner would be entitled for interest as per section 34 necessarily from the date of passing of the award under section 11 of the said Act, except in cases where the possession is taken in accordance with section 17 of the said Act, and in that situation only, the provision of section 34 of the said Act shall start operating from the date of possession.*

4. In light of aforesaid exposition of law, grant of compensation from the date of notification under section 4 under the impugned award cannot be countenanced.

5. In result, First Appeals deserves to be allowed. Clause no.4 of the operative Part of Judgment passed by Reference Court is **modified** and it shall read as under. In result, following order is passed :-

O R D E R

i. The Respondents further do pay interest to the claimants on the aforesaid awarded enhanced compensation amount of their respective acquired properties @ 9% p.a. for the first year and interest @ 15% p.a. for subsequent year **from the date of Award under section 11 of the Land Acquisition Act** i.e. 14.1.2008 till realization of the entire amount vide section 28 of the Land Acquisition Act, 1824.

ii. Except modification award, the Award passed by the Reference Court is **maintained** as it it.

Iii. First Appeals are allowed and disposed off in aforesaid terms.

iv. Pending civil applications, if any, also stand **disposed of.**

(S. G. CHAPALGAONKAR)
Judge

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