

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4568 OF 2014

THE EXECUTIVE ENGINEER, UPPER PENGANGA PROJECT
DIVISION NO.8, NANDED

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. B. R. Surwase

AGP for Respondents 1,2 : Mr. S. R. Palnitkar

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CORAM : V.K. JADHAV, J.

Dated: February 11, 2015

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PER COURT :-

1. Heard Mr. B. R. Surwase, the learned counsel for the petitioner. The respondent Nos. 3 and 4/the original claimants had filed reference under Section 18 of the Land Acquisition Act [herein after referred to as 'L.A. Act' for brevity]. The petitioner and respondent Nos. 3 & 4 entered into a compromise before Lok Adalat held on 17.12.2006. The terms of the compromise were reduced into writing and signed by the parties. Pursuant to the terms of settlement, award came to be passed on the same day by the learned Civil Judge (Senior Division). The petitioner has now challenged the said award on the count that the Sub-Divisional Engineer, who signed the compromise on behalf of the petitioner, was not authorized to do so and the petitioner

is not liable to pay interest under Section 34 of the L.A. Act.

2. The learned counsel for the petitioner submits that respondent Nos. 3 and 4 (original claimants) are not entitled for interest under Section 34 of the L.A. Act on the ground that the possession has been taken prior to notification under Section 4 of the L.A. Act. The learned counsel further submits that the Sub-Divisional Engineer, without any authorization, signed the compromise and the same is not binding on the petitioner.

3. So far as award passed in Lok Adalat is concerned, there is a finality to the award. The representative of the petitioner has signed the terms of the compromise and after 9 years, the petitioner has come with a case that the said person was not authorized to sign the terms of compromise.

4. In view of the fact that no fraud has been played or committed by the claimants, such award passed in Lok Adalat cannot be set aside after lapse of 9 years. In the identical case, this court has taken the same view.

5. In view of the above, the writ petition is dismissed. In the circumstances, there shall be no order as to costs. The

petitioner may take necessary precaution in future before compromising the Land Acquisition Reference in Lok Adalat.

(V. K. JADHAV, J.)

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aaa/-