

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

CIVIL APPLICATION NO. 6531 OF 2015

IN

WRIT PETITION NO. 2729 OF 2014

Executive Engineer,
minor Irrigation Division,
Jalgaon.

.. APPLICANT

VERSUS

State of Maharashtra
& others

.. RESPONDENTS

Mr. P.N. Kutti, advocate for applicant.
Mr. S.G. Nandekar, AGP for the State.
Mr. A.B. Kale, advocate for petitioner in writ petition.
Mr. S.S. Chillarge, advocate for respondent no. 6 in writ petition.

WITH

CIVIL APPLICATION NO. 6532 OF 2015

IN

WRIT PETITION NO. 2753 OF 2014

Executive Engineer,
minor Irrigation Division,
Jalgaon.

.. APPLICANT

VERSUS

State of Maharashtra
& others

.. RESPONDENTS

Mr. P.N. Kutti, advocate for applicant.
Mr. S.G. Nandekar, AGP for the State.
Mr. A.B. Kale, advocate for petitioner in writ petition.
Mr. S.S. Chillarge, advocate for respondent no. 6 in writ petition.

WITH

CIVIL APPLICATION NO. 6533 OF 2015

IN

WRIT PETITION NO. 2701 OF 2014

Executive Engineer,
minor Irrigation Division,
Jalgaon.

.. APPLICANT

VERSUS

State of Maharashtra
& others

.. **RESPONDENTS**

Mr. P.N. Kutti, advocate for applicant.
Mr. S.G. Nandekar, AGP for the State.
Mr. A.B. Kale, advocate for petitioner in writ petition.
Mr. S.S. Chillarge, advocate for respondent no. 6 in writ petition.

**WITH
CIVIL APPLICATION NO. 6534 OF 2015
IN
WRIT PETITION NO. 2704 OF 2014**

Executive Engineer,
minor Irrigation Division,
Jalgaon.

.. **APPLICANT**

VERSUS

State of Maharashtra
& others

.. **RESPONDENTS**

Mr. P.N. Kutti, advocate for applicant.
Mr. S.G. Nandekar, AGP for the State.
Mr. A.B. Kale, advocate for petitioner in writ petition.
Mr. S.S. Chillarge, advocate for respondent no. 6 in writ petition.

**WITH
CIVIL APPLICATION NO. 6490 OF 2015
IN
WRIT PETITION NO. 2697 OF 2014**

Executive Engineer,
minor Irrigation Division,
Jalgaon.

.. **APPLICANT**

VERSUS

State of Maharashtra
& others

.. **RESPONDENTS**

Mr. P.N. Kutti, advocate for applicant.
Mr. S.G. Nandekar, AGP for the State.
Mr. A.B. Kale, advocate for petitioner in writ petition.
Mr. S.S. Chillarge, advocate for respondent no. 6 in writ petition.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.
DATE : 26th JUNE, 2015**

PER COURT :

1. Applicants are seeking review of the judgment and order passed by this Court on 5th May 2014, directing applicants to comply with the award passed by Lok Adalat within a period of six months from the date of the order and to further pay sum of Rs. 25,000/- towards cost in each of the petitions. It was noticed during the course of hearing that inspite of directions issued time and again, the litigants are required to approach Court for claiming enhanced compensation assured before Lok Adalat which defeats the very purpose of providing for alternate dispute resolution forum.

2. In the instant matter, section 4 notification came to be issued in the year 2005 and thereafter award came to be passed determining the amount of compensation payable to claimants. Claimants preferred reference applications disputing the amount awarded by the Land Acquisition Officer in the year 2008. The matters were pending before Reference Court for considerable period and ultimately those were placed on 16.09.2012 before Lok Adalat. On the basis of solemn statements made by all the parties, settlement was recorded before Lok Adalat thereby determining the amount of compensation payable to the claimants. The rate of acquired lands settled before Lok Adalat is to the tune of Rs. 2,75,000/- per Hectar for Jirait land, Rs. 5,50,000/- per Hectar for Bagait land and, Rs. 1,37,500/- per Hectar for Potkharab land. Although settlement was reached on 16.09.2012 and inspite of assuring payment of compensation amount within

a period of one year, the solemn statement made before Lok Adalat was not adhered to, as such, claimants were again required to approach this Court. This Court, considering the facts and circumstances of the case, passed order as referred to above.

3. Since the directions issued by this Court on 05.05.2014 have not been complied with, claimants presented applications urging the Court to take action against the applicants herein. During the pendency of applications presented by claimants requesting the court take action for committing breach of the directions issued by this Court, applicants have made instant application seeking review of the order passed by this Court on 05.05.2014. It is contended that claimants have committed fraud on Civil Court as well as Lok Adalat by demonstrating their lands as Bagait and claiming enhanced compensation. It is to be noted that such a defence is being raised for the first time in the instant application. It is noticed on perusal of the record that claimants and their representatives have signed settlement pursis before Lok Adalat and have not made any grievance thereafter since 2012 onwards. Even in writ petitions presented by claimants seeking directions to acquiring body i.e. applicant herein, such defence has not been raised. The stand taken by applicants at belated stage is not liable to be accepted and is raised only to avoid liability in respect of payment of amount and for avoiding the proposed action for committing breach of order, the Court may take on consideration of applications tendered by claimants. Reliance is placed on communication issued by Divisional Commissioner, Nasik, on 17.02.2014 wherein it has

been recorded that so far as the Collector is concerned, he has limited jurisdiction for granting sanction whereas if the amount of settlement exceeds Rs.1,00,00,000/- the Divisional Commissioner is empowered to grant sanction. It is further recorded in the said communication that in the instant matter, since settlement has already been arrived at before Lok Adalat in view of section 21 of the Maharashtra State Legal Services Authority Act, it is binding on all the parties. The Divisional Commissioner has as such directed to ensure compliance of the order of Lok Adalat which has force of a decree. It is noticed that inspite of such directions issued by the Divisional Commissioner, the applicants have taken recourse to presentation of instant applications. Even otherwise, the agriculturists whose lands are acquired for public purpose are entitled to claim just compensation. In the instant matter, instead of complying with the decree, all sort of excuses are being put forth at belated stage to avoid the liability.

4. For the reasons recorded above, applications being devoid of substance stand dismissed with cost of Rs.25,000/- payable by applicants in each matter. The amount of cost shall be paid within a period of four weeks from today.

(P. R. BORA)
JUDGE

dyb

(R. M. BORDE)
JUDGE