

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
(1) WRIT PETITION NO.8801 OF 2014

The Dy. Chief Engineer
(Construction),
Central Railway, Pune,
District Pune.

Petitioner

Versus

01 Sudam Bali Modhave,
age: major, Occ: Agriculture,
R/o Burudgaon, Tq. Nagar,
District Ahmednagar.

02 The State of Maharashtra,

03 The Collector, Ahmednagar,
District Ahmednagar.

04 The Special Land Acquisition
Officer No.12, Ahmednagar,
District Ahmednagar.

Respondents

WITH
(2) WRIT PETITION NO.8802 OF 2014

The Dy. Chief Engineer
(Construction),
Central Railway, Pune,
District Pune.

Petitioner

Versus

01 Dhondiba Mohan Gavali,
age: major, Occ: Agriculture,
R/o Burudgaon, Tq. Nagar,
District Ahmednagar.

02 The State of Maharashtra,

03 The Collector, Ahmednagar,

District Ahmednagar.

04 The Special Land Acquisition
Officer No.12, Ahmednagar,
District Ahmednagar.

Respondents

WITH
(3) WRIT PETITION NO.8803 OF 2014

The Dy. Chief Engineer
(Construction),
Central Railway, Pune,
District Pune.

Petitioner

Versus

01 Jalindhar Maruti Shinde,
age: major, Occ: Agriculture,
R/o Burudgaon, Tq. Nagar,
District Ahmednagar.

02 The State of Maharashtra,

03 The Collector, Ahmednagar,
District Ahmednagar.

04 The Special Land Acquisition
Officer No.12, Ahmednagar,
District Ahmednagar.

Respondents

WITH
(4) WRIT PETITION NO.8804 OF 2014

The Dy. Chief Engineer
(Construction),
Central Railway, Pune,
District Pune.

Petitioner

Versus

01 Mukinda Balu Bhavar (died),
through Lrs

1A Sudhakar Mukinda Bhavar,
age: major, Occ: Agriculture,

1B Geetabai Mukinda Bhavar,
age: major, Occ: Agriculture;

1C Manda Mohan Padir,
age: major, Occ: Agril.;

1D Kusum Jagnath Magar,
age: major, Occ: Agriculture;

All R/o Burudgaon, Tq. Nagar,
District Ahmednagar.

02 The State of Maharashtra,

03 The Collector, Ahmednagar,
District Ahmednagar.

04 The Special Land Acquisition
Officer No.12, Ahmednagar,
District Ahmednagar.

Respondents

WITH
(5) WRIT PETITION NO.8805 OF 2014

The Dy. Chief Engineer
(Construction),
Central Railway, Pune,
District Pune.

Petitioner

Versus

01 Shanta Bhagvan Darkunde,
age: major, Occ: Agriculture,
R/o Burudgaon, Tq. Nagar,
District Ahmednagar.

02 The State of Maharashtra,

03 The Collector, Ahmednagar,

District Ahmednagar.

04 The Special Land Acquisition
Officer No.12, Ahmednagar,
District Ahmednagar.

Respondents

WITH
(6) WRIT PETITION NO.8806 OF 2014

The Dy. Chief Engineer
(Construction),
Central Railway, Pune,
District Pune.

Petitioner

Versus

01 Dadu Yashvanta Pawar,
age: major, Occ: Agriculture,
R/o Burudgaon, Tq. Nagar,
District Ahmednagar.

02 The State of Maharashtra,

03 The Collector, Ahmednagar,
District Ahmednagar.

04 The Special Land Acquisition
Officer No.12, Ahmednagar,
District Ahmednagar.

Respondents

Mr.D.V.Soman, advocate for the petitioner
Mr.D.R.Jaybhar, advocate for Respondent No.1.
Mr.P.P.More, A.G.P. For Respondents No.2 to 4.

CORAM : R.M.BORDE &

N.W.SAMBRE, JJ.

DATE : 16th February, 2015

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The petitioners are praying to quash the award passed by the *Lok Adalat* on 07.03.2010.

3 It is not a matter of dispute that the lands belonging to Respondents-claimants came to be acquired for laying down Railway line connecting Ahmednagar and Parali. After following the procedure prescribed under Land Acquisition Act, award was declared by the Collector. The claimants, being dissatisfied with the award passed by the Collector, tendered separate Reference Applications which were referred to the Civil Court for decision in accordance with the provisions of law.

4 During intervening period of pendency of matters, *Lok Adalat* was held at Ahmednagar and the Reference Applications were disposed of by the *Lok Adalat* in terms of the settlement arrived at between the parties and amount of compensation payable to the claimants was determined at the rate of Rs.9000/- per are. After settlement of matters before the *Lok Adalat*, the learned Civil Judge, Senior Division, has prepared the final award and Bill of Costs.

5 The settlement arrived at before the *Lok Adalat* and award passed in pursuance to such settlement by the Civil Court is objected by the petitioner – acquiring body on the ground that the settlement has been reached before the *Lok Adalat* in the absence of petitioner – acquiring body and that the petitioner – acquiring

body is not signatory or consenting party to the terms of settlement. The petitioner, thus, contends that the award passed on the basis of agreement arrived at before the *Lok Adalat* is not binding on the petitioner – acquiring body since the award has been passed in violation of provisions of the Legal Services Authorities Act. The petitioner contends that in view of Section 20(4) of the Legal Services Authorities Act, the *Lok Adalat* shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity, fair play and other legal principles. The petitioner contends that the award passed by the *Lok Adalat* is in breach of principles of justice, equity, fair play and other legal principles since same has been passed in the absence of petitioner – acquiring body.

6 On perusal of the terms of settlement, it is noticed that the petitioner is not signatory to the terms of settlement. In the given facts, normally this Court would have caused interference in the matter and quashed the award, as prayed for by the petitioner and would have remitted the matters back to the Reference Court. However, in the peculiar facts and circumstances of this case, we are of the opinion that no fruitful purpose would be served in remitting the matters back to the Reference Court for determination in accordance with the provisions of the Land Acquisition Act and in fact, if such course is adopted, petitioner-acquiring body itself would be at monetary loss.

7 It is not a matter of dispute that for the same project, difference pieces of lands came to be acquired. The lands from

village Burudgaon were also part of the acquisition and the lands belonging to the claimants, acquisition of which, is a subject matter in the instant proceedings, are also from village Burudgaon. That some of the claimants, who are similarly placed as that of the claimants in the instant proceedings and covered by same Section 4 Notification as well as award passed by the Land Acquisition Officer, approached the Civil Court claiming enhancement in the amount of compensation. The Reference Applications preferred by such similarly placed 44 claimants came to be allowed and the Civil Court determined the amount of compensation at the rate of Rs.9600/- per are.

8 The petitioner – acquiring body presented 44 First Appeals, being First Appeal No.2697 of 2013 and other companion appeals which were heard by the learned Single Judge of this Court and the First Appeals presented by the acquiring body, challenging enhancement in the amount of compensation awarded to the claimants, who are similarly placed as that of the claimants in the instant petitions, were dismissed by the learned Single Judge by judgment and order dated 09.12.2013. By virtue of dismissal of appeals, the award passed by the Reference Court, directing payment of compensation at the enhanced rate i.e. at the rate of Rs.9600/- per are, has been confirmed by this Court.

9 In the instant matters, the *Lok Adalat*, in fact, has taken a favourable stand from the point of petitioner – acquiring body and awarded less amount to the claimants in the instant petitions i.e. at the rate of Rs.9000/- per are. At the cost of repetition, it must be noted that the claimants in the instant

petitions are similarly placed as that of the claimants whose lands have been acquired for the same project, under same Section 4 Notification and from very same award, in respect of which, award of enhancement in the amount of compensation, was challenged by the petitioner – acquiring body in First Appeal No.2697/2013 and other companion appeals. Since those appeals came to be dismissed, in any eventuality, the claimants herein would be entitled for the same treatment and shall have to be awarded compensation at the rate of Rs.9600/- per are. Such a logical conclusion is also permissible in view of the principles governing Section 28A of the Land Acquisition Act. The claimants, in the instant matters – Respondents herein, are, however, declared eligible to get compensation at the rate of Rs.9000/- per are by the *Lok Adalat*.

10 In view of these peculiar facts and circumstances, we are of the view that causing interference in these matters would be a futile exercise and no useful purpose would be served. In fact, if at all the matters are remitted back, the claimants would be entitled to higher rate of compensation i.e. at the rate of Rs.9600/- per are. Apart from this, burden of interest at the rate of 9% and 15% p.a. will have to be shouldered by the acquiring body. The entitlement of claimants to claim higher compensation equivalent to the amount received by the similarly placed claimants, in the facts and circumstances of this case, cannot be denied.

11 In view of these peculiar facts and circumstances, we decline to exercise extraordinary jurisdiction conferred upon us under Article 226 of the Constitution. The petitioner-acquiring

body, in pursuance to the directions issued by us on 29th October, 2014, has deposited amount of compensation in this Court. We permit the Respondents-claimants to withdraw the amount deposited by the petitioner-acquiring body in this Court.

12 For the reasons recorded above, no interference is called for in these petitions. Petitions are devoid of substance. Hence, these Writ Petitions stand dismissed. No order as to costs. Pending Civil Applications do not survive and stand disposed of.

N.W.SAMBRE
JUDGE

adb/wp880114

R.M.BORDE
JUDGE