

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

WRIT PETITION NO. 4399 OF 2014

1. Deoram s/o Gajanan Patil
age major,
occ. Agriculture
r/o Malpimpri, Taluka Jamner
Dist. Jalgaon
2. Pitamber s/o Sakharam Patil
age major,
occ. Agriculture
r/o Malpimpri, Taluka Jamner
Dist. Jalgaon

.. PETITIONERS

VERSUS

1. The State of Maharashtra
Through Principal Secretary
Revenue and Forests Department,
Mantralaya, Mumbai.
2. The Collector, Jalgaon
Dist. Jalgaon.
3. The Special land Acquisition Officer
Minor Irrigation Works, Jalgaon
Dist. Jalgaon.
4. The Executive Engineer
Minor Irrigation Division,
Jalgaon, District. Jalgaon
5. Chief Secretary,
State of Maharashtra
Mantralaya, Mumbai.

.. RESPONDENTS

Mr. V.G. Sakolkar with Mr. A.V. Sakolkar and Mr. H.B. Nandagaule,
advocates for petitioners.
Mr. S.S. Tope, GP for the State.
Mr. S.S. Chillarge, advocate for respondent no. 4.

WITH
WRIT PETITION NO. 5528 OF 2014

1. Vithal Manga Nikam
Died through LRs
Dwarkabai Vithal Nikam
Age major,
Occ. Agriculture
2. Shaligram Gangaram Nikam
age major,
occ. Agriculture.
3. Rajaram Tukaram Patil
Died through LRs.
- 3/1) Rukhmabai Rajaram Patil
age major
occ. Agriculture
- 3/2) Afrukbai Sanjeev Patil
age major,
occ. Agriculture
- 3/3) Ashabai Muralidhar
age major,
occ. Agriculture.
4. Sitaram Ramdas Nikam
age major,
occ. Agriculture.
5. Ramlal Motilal Teli
Died through LRs
Jivan Ramlal Teli
age major,
occ. Agriculture.
6. Ramabai Bhimrao Nikam
age major,
occ. Agriculture
7. Tulshiram Atmaram (Asaram) Patil
age major,
occ. Agriculture
8. Pandit Shenphadu Patil
age major,
occ. Agriculture

9. Baburao Shenphadu patil
age major,
occ. Agriculture
10. Bananbai Krushna Medhe
Died through LRs
- 10/1) Gangubai Tanaji Nawagire
age major,
occ. Agriculture.
- 10/2) Sunil Trimbak Medhe
age major
occ. Agriculture.
11. Pundlik Dagdu Patil
age major,
occ. Agriculture
12. Awalibai Rashid Tadv
age major,
occ. Agriculture
13. Kautik Shenphadu Patil
Died thorough LRs
Sambhaji Kautik Patil
Age major,
occ. Agriculture
14. Samadhan Sayaji Gaikwad
age major,
occ. Agriculture
15. Bhagwat Keshav Patil
age major,
occ. Agriculture

All r/o Bilwadi
Tq. Jamner, Dist. Jalgaon.

.. PETITIONERS

VERSUS

1. The State of Maharashtra
Through Principal Secretary,
Revenue and Forests Department,
Mantralaya, Mumbai.
2. The Collector, Jalgaon
District Jalgaon.

3. The Special land Acquisition Officer,
Minor Irrigation Works,
Jalgaon,
Dist. Jalgaon.
4. The Executive Engineer,
Minor Irrigation Works
Jalgaon, Dist. Jalgaon
5. Chief Secretary,
State of Maharashtra,
Mantralaya,
Mumbai.

.. RESPONDENTS

Mr. V.G. Sakolkar with Mr. A.V. Sakolkar and Mr. H.B. Nandagaule,
advocates for petitioners.

Mr. S.S. Tope, GP for the State.

Mr. S.S. Chillarge, advocate for respondent no. 4.

**WITH
WRIT PETITION NO. 8567 OF 2014**

1. Raghunath s/o Dharma Savale
age major,
occ. Agriculture
2. Sadashiv s/o Dharma Savale
age major
occ. Agriculture
3. Nagindas s/o Bhadu Kavalkar
age major
occ. Agricultural
4. Lilachand s/o Sadashiv Savle
age major,
occ. Agriculture
5. Shamrao Deepa Dhangar
age major,
occ. Agriculture
6. Madhukar Deepa Dhangar

age major,
occ. Agriculture

7. Pramod s/o Shankar Namayate
age major,
occ. Agriculture
8. Pandurang s/o Shankar Namayate
age major,
occ. Agriculture
9. Ahilyabai Gambhir Dhangar
age major,
occ. Agriculture
10. Shankar s/o Motiram Patil
age major,
occ. Agriculture
11. Laxman s/o Keshav Koli
age major,
occ. Agriculture
12. Devidas s/o Sampat Borse
age major,
occ. Agriculture
13. Chndrabhaga Ramdas Thakane
age major,
occ. Agriculture
14. Savita Ramdas Thakane
age major,
occ. Agriculture
15. Thagabai Barku Dhangar
age major,
occ. Agriculture
16. Kadhu Bhadu Gadhe
died through LRs
Marabai Kadhu Gadhe
age major,
occ. Agriculture
17. Anndibai Dhanu Jumale
age major,
occ. Agriculture
18. Giridhar Zapu Dhangar
age major,

occ. Agriculture

19. Vasant Shamrao Kachare
age major,
occ. Agriculture
20. Shamrao Hiranman Dhangar
age major,
occ. Agriculture
21. Muralidhar Shamrao Dhangar
age major,
occ. Agriculture
22. Shankar Pavaji Dhakane
Died through LRs
Fakira Shankar Dhakane
age major,
occ. Agriculture
23. Nathu Dipa Dhanagar
age major,
occ. Agriculture
24. Dnyaneshwar Bhivsan Borse
age major,
occ. Agriculture
25. Baburao Ukhardu Sapakale
age major,
occ. Agriculture
26. Daulat Ramu Dhangar
age major,
occ. Agriculture
27. Raghunath Sitaram Borse
Died through LRs
Sanju Raghunath Borse
age major,
occ. Agriculture
28. Ramesh Baburao Borse
age major,
occ. Agriculture
29. Ramdas Dongar Thakane
age major,
occ. Agriculture

30. Tukaram Devram Thakane
age major,
occ. Agriculture
31. Pundalik Sitaram Kachre
age major,
occ. Agriculture
32. Raghunath Sitaram Borse
Died through LRs
Sanju Raghunath Borse
age major,
occ. Agriculture
33. Raghunath Sitaram Borse
age major,
occ. Agriculture
34. Udhan Manga Savale
Died through LRs
Vikas Udhan Savale
age major,
occ. Agriculture
35. Suklal Manga Savale
age major,
occ. Agriculture
36. Vikas Udhan Savale
age major,
occ. Agriculture
37. Vishnu hari Borse
Died through LRs
Santosh Vishnu Borse
age major,
occ. Agriculture
38. Santosh Dhanu Savale
age major,
occ. Agriculture
39. Bhagwan Dhanu Savale
age major,
occ. Agriculture
40. Bhagwan Lahu Savale
age major,
occ. Agriculture

41. Punjaji Ganpat Kavalkar
age major,
occ. Agriculture
42. Anandibai Kadu Jumale
age major,
occ. Agriculture
43. Vishwanath Kisan Kumbhar
Died through LRs
Shantabi Vishwanath Kumbhar
age major,
occ. Agriculture
44. Prakash Chavadas Dhakane
age major,
occ. Agriculture
45. Nagindas Chavadas Dhakane
age major,
occ. Agriculture
46. Daulat Soma Kachare
age major.
47. Shrawan Laxman Dhangar
died through LRs
Bhagwan Laxman Dhanagar
Died through LRs
Shushilabai bhagwan Dhanagar
Died through LRs
Kailas Bhagwan Dhanagar
age major,
occ. Agriculture
48. Mukunda Sitaram Dhangar
age major,
occ. Agriculture
49. Shalikram Deochand Sapkale
age major,
occ. Agriculture
50. Nandakishor Shantaram Patil
age major,
occ. Agriculture
51. Baburao Mitharam Dhangar (Borase)
Died through LRs
Damodhar Baburao Borase

& others
age major,
occ. Agriculture

52. Lilachand Bhivsan Borase
age major,
occ. Agriculture
53. Chavdas Jayram Thakane
Died through LRs & Sp/M
Muktabai Chavdas Thakane
age major,
occ. Agriculture
54. Soma Sitaram Kachare
age major,
occ. Agriculture
55. Gajanan Lilachand Patil
age major,
occ. Agriculture
56. Shankar Supdu Namayate
died through LRs & Sp/M
Arun Shankar Namayate
age major,
occ. Agriculture

All r/o Patondi, Taluka Raver
Dist. Jalgaon.

.. PETITIONERS

VERSUS

1. The State of Maharashtra
Through Principal Secretary
Revenue and Forests Department
Mantralaya, Mumbai.
2. The Collector, Jalgaon
District Jalgaon.
3. The Special Land Acquisition Officer
Upper Tapi Project (Hatnoor)
Jalgaon
dist. Jalgaon.
4. The Executive Engineer
Hatnnor Project Division,
Jalgaon, Dist. Jalgaon.

.. RESPONDENTS

Mr. V.G. Sakolkar with Mr. A.V. Sakolkar and Mr. H.B. Nandagaule,
advocates for petitioners.

Mr. S.S. Tope, GP for the State.

Mr. S.S. Chillarge, advocate for respondent no. 4.

**WITH
WRIT PETITION NO. 8568 OF 2014**

1. Nimba Bhila Patil
age major
occ. Agriculture
2. Babulal Uma Jagtap
age major
occ. Agriculture
3. Subhash Govinda Dhangar
age major
occ. Agriculture
4. Bhagwan Dhana Patil
age major
occ. Agriculture
5. Abhiman Supdu Patil
age major
occ. Agriculture
6. Bhagwan Govinda dhangar
age major
occ. Agriculture
7. Narayan Totaram patil
age major
occ. Agriculture
8. Rajendra bhagwan Patil
age major
occ. Agriculture
9. Nimbabai Ananda Patil
age major
occ. Agriculture

All r/o Deoli Bhoras
Tq. Chalisgaon, Dist. Jalgaon.

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VERSUS

1. The State of Maharashtra
Through Principal Secretary
Revenue and Forests Department
Mantralaya, Mumbai.
2. The Collector, Jalgaon
Dist. Jalgaon.
3. The Special Land Acquisition Officer
Minor Irrigation Works,
Jalgaon
dist. Jalgaon.
4. The Executive Engineer
Minor Irrigation Works,
Jalgaon, Dist. Jalgaon.

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Mr. S.S. Chillarge, advocate for respondent no. 4.

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CORAM : R.M. BORDE &

P. R. BORA, JJ.

DATE : 2nd FEBRUARY, 2015.

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petitions are taken up for final disposal at admission stage.
3. Petitioners are requesting for issuance of direction to respondents to make payment of amount of compensation determined in the Maha Lok Adalat held on 16.09.2012 at Jalgaon, together with interest accrued on the

amount of compensation. The contention of petitioners is that inspite of arriving at settlement before Lok Adalat and inspite of tendering solemn assurance to pay the amount of compensation within stipulated period, inaction on the part of the State Government has driven the litigants again to approach this Court claiming the amount which is legally due to them.

4. Taking note of the fact that solemn undertakings given before Lok Adalat are not observed by the State Government and its instrumentalities and the agriculturists are required to approach the court again and again and to continue with the litigation for years together, this Court called upon the Chief Secretary of the State to place before the Court details in respect of settlement of matters relating to acquisition of land in Lok Adalat in the State of Maharashtra wherein inspite of arriving at settlement compensation has not been paid. It is also observed by us in the order passed on 02.09.2014 that the directives issued by the Government in Resolution dated 13.01.2011 in respect of disbursement of amount of compensation determined on the basis of settlement reached before Lok Adalat are not being adhered to. Government decision dated 13.01.2011 prescribing time frame for disbursement of amount of compensation in respect of matters settled before Lok Adalat itself is taken in pursuance to the directions issued by Division Bench of this Court. It is also observed by us that it is a sad feature that the State authorities and instrumentalities of the State are observing directions issued by the State Government under Resolution dated 13.01.2011 in breach. It is further recorded by us that this inaction on the part of the State Government and its instrumentalities in its failure

to honour the awards declared by Lok Nyayalaya has an adverse impact on Lok Adalat movement, which is a methodology of alternate dispute resolution.

5. In pursuance to directives issued on 02.09.2014, the Chief Secretary of the State has presented affidavit-in-reply on 10.11.2014. The State Government has placed on record details in respect of the matters relating to settlement of matters in Lok Nyayalaya in the State of Maharashtra wherein inspite of arriving at settlement the amount of compensation has not been paid till today. It is also undertaken by the Chief Secretary on behalf of the State Government that compensation amount would be paid within the time frame prepared by the Government departmentwise mentioned in annexure C to the reply. It is also assured by the Chief Secretary on behalf of the Government that in future proper care would be taken for making payment of amount of compensation determined on the basis of settlement arrived at in Lok Nyayalaya. Affidavit tendered on behalf of the Government is accepted.

6. It appears that total 2037 matters relating to payment of compensation have been settled before Lok Adalat wherein amount of compensation has not been paid and the amount payable to the agriculturists by the State Government is to the tune of Rs. 60,72,04,698/-. It is informed that so far as matters relating to acquisition of lands for Water Resource Department are concerned, since the amount of compensation payable is more than Rs. 55,00,00,000/-, it is assured, disbursement of

amount would be made within a period of six months. It is further undertaken that in respect of amount of compensation concerning acquisition for and on behalf of Water Conservation Department, Urban Development Department and Employment Guarantee Department, the amount of compensation would be paid by the end of December 2014. It is further undertaken that in respect of matters wherein lands have been acquired for and on behalf of Public Works Department and wherein award pursuant to settlement has been passed and compensation has not been paid, the amount would be disbursed by the end of January 2015.

7. We accept the undertaking given on behalf of the State Government and direct the State authorities to pay the amount of compensation in adherence to the undertaking given in affidavit-in-reply. It is expected of the State Government to pay the amount of compensation together with interest and other benefits due and receivable by the claimants and in consonance with the settlement arrived at before Lok Adalat and, there should not be any room left for making any grievance further. Rule made absolute accordingly. In the facts and circumstances of the case, there shall be no order as to costs.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE