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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.888 OF 2014 WITH
WRIT PETITION NO.889 OF 2014 WITH
WRIT PETITION NO.890 OF 2014 WITH
WRIT PETITION NO.891 OF 2014 WITH
WRIT PETITION NO.892 OF 2014 WITH
WRIT PETITION NO.893 OF 2014 WITH
WRIT PETITION NO.894 OF 2014 WITH
WRIT PETITION NO.895 OF 2014**

Sub-Divisional Officer,
Ujjani Canal Sub Division No.24 & Ors. ... Petitioners

Versus

Balasaheb Tulshiram Shendge and Ors. ... Respondents

Mr. Vijay Dinkarrao Patil, for the Petitioners.

Mr. Avinash Bhaskar Avhad, for the Respondent No.1 to 3 in WP No.888 of 2014 and for Respondent No.1 in WP No.889 of 2014 to 895 of 2014.

Mr. P.G. Sawant, AGP for Respondent Nos.4 and 5 in WP No.888 of 2014 and for Respondent Nos.2 and 3 in WP No.889 of 2014 to WP No.895 of 2014.

**CORAM : A.S. OKA &
K.R. SHRIRAM, JJ.**

DATE : 27th AUGUST, 2015

P.C.

. Heard the learned counsel appearing for the Petitioners,
the learned counsel appearing for the original claimants, the learned

AGP for the State and the Special Land Acquisition Officer. Forthwith taken up for final disposal. These Petitions arise out of the References under Section 18 of the Land Acquisition Act, 1894 (for short “the said Act”) made at the instance of the Respondents who are original claimants.

2. On 20th September, 2011 before Maha Lokadalat, a settlement was arrived at. There were earlier Writ Petitions filed by the present claimants being Writ Petition No.889 of 2013 and other connected Petitions. The grievance made in the said Writ Petitions by the original claimants was that on the date of Maha Lok Adalat, actual calculation of the amounts payable in terms of the compromise was made only for one Reference and in case of other References, calculations were incorporated subsequently. The said Writ Petitions were disposed of by the Judgment and Order dated 23rd January, 2013. Only with the hope that the parties will not be driven to a long drawn litigation of the Reference Applications that this Court directed the Reference Court to hear the parties and to determine the compensation amount payable in terms of the settlement arrived at before Maha Lok Adalat.

3. In terms of the order of remand, an order has been made on 15th October, 2013 and an Award has been drawn in terms of the

said order. In view of the express bar created by the Legal Services Authorities Act, 1987, no Appeal is maintainable against the said order as well as the Award and the only remedy available is to approach the Writ Court under Article 226 of the Constitution of India.

4. After having heard the learned counsel appearing for the Petitioners and the learned counsel representing the original claimants, we find that there is a serious dispute about the calculations to be made in terms of the settlement recorded before the Maha Lok Adalat. We have perused the settlement arrived at which is also incorporated in the Award made by the Maha Lok Adalat. We are constrained to observe that the terms of settlement are very vague. More than one interpretation can be reasonably put to the said compromise as far as the computation of compensation is concerned. That is the reason why the claimants have been deprived of compensation amount though Award was purportedly made in the Lok Adalat on 20th September, 2011. Faced with this delay and stalemate, the learned counsel appearing for the original claimants submits that by setting aside the Award made by the Maha Lok Adalat, the Reference Court be directed to hear and dispose of the References in accordance with law. The prayer in these Petitions is for setting aside the Award made in terms of compromise entered into before the Lok Adalat. Therefore, the learned

counsel appearing for the Petitioners has no objection to adopt the said course. As observed earlier, with the hope that the issue will be resolved, an order of remand was made on 23rd January, 2013. While passing an order of remand, in paragraph 6, this Court has observed thus :-

“6. It appears to us that with a view to ensure settlement of large number of cases before the Maha Lok Adalat, signatures of the claimants were obtained in the manner indicated in the petitions. After settlement before Lok Adalats, if the parties are forced to file another proceedings, the litigants will not have faith in the institution of Lok Adalats. Therefore, the Maharashtra Legal Services Authority will have to issue necessary directions.”

5. The Maharashtra Legal Services Authority needs to look into the manner in which the settlement was recorded before the Lok Adalat. Whenever there is a settlement before Lok Adalat in References under Section 18 or 30 of the Land Acquisition Act, 1894, it is desirable to incorporate actual figures of the compensation payable in terms of the settlement to avoid any further disputes between the parties. Whenever Lok Adalat or Maha Lok Adalats are held, there are always pre-Lok Adalat meetings. By holding such meetings, tentative calculations may be always kept ready. The Maharashtra Legal Services Authority will have to invite attention of all the Principal District Judges

to the observations made in this Judgment and Order so that necessary precautions are taken to ensure that after arriving at settlement, parties are not forced to litigate further by adopting various proceedings.

6. Considering the peculiar facts of the case, a time-bound schedule will have to be fixed for decision of the References inasmuch as if compensation is enhanced, the Petitioners will have to pay interest at the rate of 15 percent per annum.

7. Accordingly, we pass the following order:-

ORDER

- (i) Rule is made absolute in terms of prayer clause (a) of all the Writ Petitions;
- (ii) The Land Acquisition References subject matter of these Petitions are remanded to the Court of the learned District Judge – I at Malshiraj;
- (iii) We direct the parties to appear before the learned Judge on 28th September, 2015 at 11.00 am for fixing the schedule of hearing ;

- (iv) If the Petitioners have not filed written statements in the References, the Reference Court shall permit filing of the written statements within a period of six weeks from the date fixed for the appearance of the parties;
- (v) Considering the peculiar facts of the case, the Reference Court shall give priority of the hearing of the References and shall dispose of the References as expeditiously as possible and in any event on or before 30th April, 2016;
- (vi) If any amounts are already deposited by the Petitioners on the basis of the settlement, the same amounts shall be invested in a Fixed Deposit in any Nationalised Bank till the disposal of the References. While disposing of the References, the Reference Court can pass appropriate order as regards the appropriation/ withdrawal of said amounts with interest accrued thereon;
- (vii) If the amounts deposited by the Petitioners have been withdrawn by some of the claimants, it is obvious that if ultimately claimants are held entitled to enhancement,

necessary set off shall be given to the Petitioners in such cases. If it is held that claimants are not entitled to enhancement, recourse will have to be to the provisions regarding restitution.

(viii) The Petitions are disposed of on above terms.

(ix) All concerned including the Petitioners shall act upon the authenticated copy of this order.

(K.R. SHRIRAM, J)

(A.S. OKA, J)