

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

WRIT PETITION NO. 5280 OF 2016

Trimbak Bhika Gadhe
Age: 76 years, Occu.: Agri.,
R/o Ladgaon, Tal. Vaijapur,
Dist. Aurangabad.

..PETITIONER

VERSUS

1. State of Maharashtra
Through the Irrigation Department,
Mantralaya, Mumbai – 32.
2. The Special Land Acquisition Officer,
J.P. No.2, Collector Office, Aurangabad.
(This office is abolished from August 2013
and at present new office addressee is)

The Deputy Collector (Land Acquisitio)
Sub Divisional Office, Vaijapur,
Tal. Vaijapur, Dist. Aurangabad.

3. The Executive Engineer (Irrigation)
Zilla Parishad, Aurangabad.

..RESPONDENTS

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Mr. N.J. Pahune Patil, Advocate for petitioner.
Mr. S.K. Tambe, A.G.P. for Respondent Nos. 1 and 2.
Mr. M.S. Deshpande, Advocate h/f Mr. D.B Pawar, Advocate for
Respondent No.3.

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**CORAM : T.V. NALAWADE, J.
DATED : 01st DECEMBER, 2016**

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith. By consent heard both sides for final disposal.

2. Present proceeding is filed to challenge the award made before the National Lok Adalat for settlement which took place in L.A.R. No. 489 of 2010 on 23rd November, 2013. The matter was pending in the Court from Aurangabad. As per the contents of the form, initially the amount of Rs.1,000/- per R was written but by scratching that amount which was also in words new amount of Rs.121/- per R is written. It is the contentions of the present petitioner – original plaintiffs that he had never agreed to accept compensation of Rs.121/- per R. It was submitted to this Court by learned Counsel and record was shown which is to the effect that Special Land Acquisition Officer granted compensation @ Rs. 640/- per R. It appears that when the proceeding was filed as M.A.N.R.J.I. No. 4 of 2014 before the same Court – Reference Court, the Court refused to interfere by holding that it was award given by Lok Adalat and there was no jurisdiction to the Court to interfere in the award.

3. After hearing and submissions made by both sides, this Court holds that there is possibility of mistake though there is no possibility of fraud and so the award needs to be set aside and the matter needs to be

returned back to the Reference Court for decision on merits. In the result, petition is allowed. Award granted in Lok Adalat in the matter L.A.R. No. 489 of 2010 (Old No. 148 of 2005) is hereby set aside and the matter is restored to his original number for decision. Rule made absolute in those terms.

(T.V. NALAWADE, J.)

SSD