

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WP/9424/2015 WITH WP/9502/2015 WITH WP/9503/2015 WITH
WP/9504/2015 WITH WP/9508/2015 WITH WP/9509/2015 WITH
WP/9510/2015 WITH WP/9512/2015 WITH WP/9514/2015 WITH
WP/9516/2015 WITH WP/9520/2015

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
JALGAON
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr. V.J. Dixit, Senior Advocate
with Mrs. Chaitali Chaudhari-Kutti, Adv.
AGP for Respondents: Mrs. A.V. Gondhalekar.
Advocate for respondents : Mr. V.J. Sakolkar and Mr. A.B. Kale
for respondent/claimants in respective petitions.

**CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 19TH JULY , 2016.**

PER COURT:

1] In all these matters, petitioners are assailing the award passed in the Maha Lok Adalat and the award passed under Section 28A of the Land Acquisition Act, 1861.

2] The awards passed in Maha Lok Adalat are challenged by the petitioners on the ground that no such consent, as contemplated, was given. The person on behalf of the appellants/State was not authorized etc. and the awards under Section 28A are challenged on the ground that they are based on the awards passed in Maha Lok Adalat, which itself are challenged.

3] We have heard Mr. Dixit, learned Senior Counsel for the appellant/Acquiring Body and Mr. Kale. Mr. Sakolkar, states that he has instructions to appear for the claimants in W.P. Nos. 9424 of 2015, 9502 of 2015, 9508 of 2015, 9509 of 2015, 9510 of 2015 & 9514 of 2015.

4] Mr. Kale and Mr. Sakolkar, learned counsel for the respondents, on instructions, state that without admitting the averments made by the appellant/Acquiring Body, the respondents are consenting for setting aside the awards passed in Maha Lok Adalat and under Section 28A and the matters which are decided in the Maha Lok Adalat be sent back to the Reference Court, for decision on merits.

5] Learned counsel for respondents submit that the allegations made by the appellant are denied and not admitted.

6] We have heard the learned AGP. As the respondents are consenting for setting aside the award passed in Maha Lok Adalat and the petitioners are also seeking the same relief, we are not entering into the merits of the contentions of the respective parties, as there is a *consensus ad-idem*, of both the parties for setting aside the awards passed in Maha Lok Adalat. The amount is already paid to the claimants in respect of the awards passed under the Maha Lok Adalat.

7] Considering the aforesaid conspectus of the matter and the consent of the both the parties to set aside the impugned awards passed in Maha Lok Adalat, so also, the award passed under Section 28-A of the Land Acquisition Act, the said awards are quashed and set aside.

8] Parties of the present writ petitions, who had settled the matter before the Maha Lok Adalat, and which awards are now set aside, shall appear before the Reference Court, on 8th August, 2016. Respective parties are entitled to adduce their evidence and file on record additional documents, if they so desire.

9] The Reference Court shall decide the References, expeditiously and preferably within a period of 9 months from the date of appearance of the parties before it. Considering that the matters are remitted back, the amounts which are already paid to the claimants by the Acquiring Body may

be retained by the claimants, which shall be subject to the decision of the Reference Court in proceedings under Section 18 of the Land Acquisition Act. The Reference Court while passing the award, shall consider the payment made to the claimants, as on the date same is made and shall pass further orders in that regard, in tune with the judgment and award, that would be passed by the Reference Court. It is made clear that all contentions of respective parties are kept open.

9] With these directions and observations, writ petitions are disposed of. No costs.

[K.K. SONAWANE]
JUDGE

grt/-

[S.V. GANGAPURWALA]
JUDGE.