

pmw

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BEFORE THE NATIONAL LOK ADALAT
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.795 OF 2004
WITH
CROSS OBJECTION (ST) NO.13502 OF 2008
WITH
CIVIL APPLICATION NO.152 OF 2014

The State of Maharashtra. .. Appellant

Versus

Shri. Mahadu Padya Mundkar (since deceased)
Through Legal Representatives .. Respondents

--

Mr. Yogesh Dabke, AGP for the Appellant in FA and for Respondent in XOBST No.13502 of 2008.

Mr. Sachin Punde for the Respondents in FA and for the Appellant in XOBST No.13502 of 2008.

--

CORAM : A.S.OKA, J (HEAD OF THE PANEL)
S.R. KHANZODE, RETIRED DISTRICT &
SESSIONS JUDGE, MEMBER AND
A.M.KURHEKAR, REGISTRAR, MEMBER

DATED : 9th SEPTEMBER 2017

P.C.

1 Consent terms are tendered which are taken on record and marked 'X1' for identification. Consent terms have been signed by the Advocate for the Respondents and the learned AGP for the Appellant. Consent terms are signed by Shri Dattaprasad D. Nade, the Deputy Collector (Land Acquisition), Metro Center No.1, Panvel on behalf of

the State Government. The learned counsel appearing for the Respondent states that Respondent No.1/6 has signed the consent terms and rest of the Respondents are willing to sign the consent terms. We accept the said statement.

2 Accordingly, the Appeal and Cross-Objections are disposed of in terms of consent terms. The pending Civil Application is also disposed of. We grant time of four weeks to the rest of the Respondents to appear before the Registrar (Judicial – I) and to sign the consent terms. Only after all other Respondents sign the consent terms, an Award shall be drawn in terms of the consent terms in accordance with Section 21 of the Legal Services Authority Act, 1987.

3 As the impugned Award stands modified in terms of the consent terms, the determination of the amount payable as per modified Award in terms of the consent terms shall be made by the Reference Court. We direct the parties to appear before the learned Joint Civil Judge (S.D.) at Alibaug on 9th October, 2017 at 11.00 am. The Reference Court shall complete the exercise of determining the amount payable in terms of the modified Award within a period of one month from the date fixed for appearance of the parties. In view of this order, it will not be necessary for the Reference Court to give any notice to the parties of the date fixed for appearance. Needless to add that the

Reference Court shall give an opportunity of being heard to the Special Land Acquisition Officer and original claimants before determining the amount.

4 The State Government shall pay to the Claimants or deposit with the Reference Court the balance amount payable as per the determination made by the Reference Court within the maximum period of six months from the date on which the amount is determined.

5 The Appellant will be entitled to refund of Court Fees paid on Appeal as per the Rules. The Respondents will be entitled to refund of Court Fees paid on cross objections, if any, payable as per the Rules. The Appeal shall be listed on the cause list of Lok Adalat to be held in February/ March, 2018 for reporting compliance.

(A.S. OKA, J)
HEAD OF THE PANEL

(S.R. KHANZODE)
MEMBER

(A.M.KURHEKAR)
MEMBER