

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

936 FIRST APPEAL NO. 4959 OF 2017
WITH CA/3566/2016 IN FA/4959/2017 WITH FA/4969/2017
WITH CA/3557/2016 IN FA/4969/2017 WITH FA/4974/2017
WITH CA/3555/2016 IN FA/4974/2017 WITH FA/5133/2017
WITH CA/3899/2016 IN FA/5133/2017

THE EXECUTIVE ENGINEER, NANDUR MADHAMESHWAR CANAL
DIVISION, VAIJAPUR UNDER THE GM
VERSUS
DADA VISHNU PUTALE AND ANR

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Advocate for Appellants : Mr. Thombre S.S.
Fmr. Kasliwal Ajit D. For R/1.;
Mr. AM Phule, AGP for Respondent No.2.

CORAM : P.R. BORA, J.
DATED : 2nd November, 2018.

PER COURT:-

1. When these appeals are taken up for hearing, learned counsel appearing for Respondents, i.e. original claimants, brought to my notice that the companion appeals arising out of the same acquisition, have been disposed of in Lokadalat held on 8th September, 2018 by way of settlement. The learned counsel submitted that on 8th September, 2018, the present matters were also listed before the panel of Lokadalat, however, since the parties could not remain present, pursis could not be filed in these matters and the matters, therefore, remained to be disposed of in the Lokadalat by way of settlement. The learned

(2)

counsel pointed out that, in fact, the number of these appeals are also mentioned in the order of Lokadalat, however, Awards could not passed in pursuance of the said settlement since the parties were not present. The learned counsel, therefore, prayed for disposing of the present appeals on similar lines as the companion appeals have been disposed of by way of settlement in the Lokadalat.

2. Learned AGP has not disputed the correctness of the facts, as are stated by the learned counsel appearing for the original claimants. A copy of the order passed by the Lokadalat held on 8th September, 2018 in First Appeal No.5124/2017 with connected appeals, show the numbers of the present appeals. I, therefore, see no difficulty in disposing of the present appeals with the following order, -

ORDER

i. The Awards impugned in the present appeals passed by the Reference Court stand set aside in so far as they relate to grant of interest under Section 28 and 34 of the Land Acquisition Act from the date other than declaration of the Award.

ii. It is directed that interest under

(3)

Section 28 and 34 of the Act shall be payable to the claimants from the date of declaration of the Award under Section 11 of the Act;

iii. Awards be modified accordingly. Rest of the Awards are maintained as it is.

iv. The original claimants are permitted to withdraw the amount of compensation, which would be found payable to them in view of the modified awards. Balance, if any, shall be refunded to the appellant-acquiring body.

v. The amount of compensation deposited by the acquiring body in this Court be transmitted to the Executing Court, i.e. the court of Civil Judge, Senior Division, Vaijapur.

vi. The appeals stand partly allowed in the aforesaid terms. Pending civil application, if any, stands disposed of.

(P.R. BORA)
JUDGE

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