IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE V. K. JADHAV,
HELD ON 14TH JULY, 2018,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT
AURANGABAD

908 (SB) FIRST APPEAL NO. 1985 OF 2017

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION,
OSMANABAD AND ANOTHER
VERSUS
SARJERAO RAJARAM GHADAGE
…

FIRST APPEAL NO. 1986 OF 2017

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION,
OSMANABAD AND ANOTHER
VERSUS
MADHUKAR DHONDIBA GATKAL (DIED) THROUGH LRS
NANA MADHUKAR GATKAL
…

FIRST APPEAL NO. 1987 OF 2017

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION,
OSMANABAD AND ANOTHER
VERSUS
SAYYED MUSTAPAHA SAYYED SHAMSHODDIN SAYYED
…

FIRST APPEAL NO. 1988 OF 2017
…
THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION,
OSMANABAD AND ANOTHER
VERSUS
VISHNU DHONDIBA GATKAL
…
Advocate for Appellants : Mr. A. R. Kale.
Advocate for Respondents-original claimants : Mr. A. S. More.
...

1027 FIRST APPEAL (STAMP) NO. 7417 OF 2017

THE M.K.V.D.C. THR EX. ENGNEER, MEDIUM PROJECT, OSMANABAD
AND ANR
VERSUS
HANMANT BABURAO KATE
...
Advocate for Appellants : Mr.A.M. Gaikwad

1028 FIRST APPEAL (STAMP) NO. 9727 OF 2017

THE MAHARASHTRA KRUSHNA VALEY DEVELOPMENT CORPORATION
THR EX. ENGINEER, M.P. OSM
VERSUS
PRAKASH RANGNATHRAO KESKAR
...
Advocate for Appellant : Mr. A. M. Gaikwad

1029 FIRST APPEAL (STAMP) NO. 9730 OF 2017

THE MAHARASHTRA KRUSHNA VALEY DEVELOPMENT CORPORATION
THR EX. ENGINEER, M.P. OSM
VERSUS
VISHWANATH RAMA GATKAL
...
Advocate for Appellant : Mr. A.M. Gaikwad

1030 FIRST APPEAL (STAMP) NO. 9733 OF 2017

THE MAHARASHTRA KRUSHNA VALEY DEVELOPMENT CORPORATION
THR EX. ENGINEER, M.P. OSM
VERSUS
MOHAMAD MUSTAPHA NIYAMAT
...
Advocate for Appellant : Mr. A.M. Gaikwad
AGP for Respondents: Mr. B.V. Virdhe
Advocate for respondents-claimants: Mr. A.S. More
....
(08)

O R D E R

1. Mr. Alhad Laxmanrao Palwankar, Sub Divisional Officer, Minor Irrigation, Sub Division, Ashti, is present before the panel. Mr. A.R. Kale and Mr. A.M. Gaikwad, learned counsel appearing for the appellant-acquiring body, Mr. A.S. More, learned counsel for respondents-original claimants and Mr. B.V. Virdhe, learned A.G.P. for the respondent-State authorities are also present.

2. Mr. Alhad Laxmanrao Palwankar, Sub Divisional Officer, Minor

Irrigation, Sub Division, Ashti, has placed on record a communication dated 03.07.2018 issued by the Executive Engineer, Osmanabad Medium Project Division, Osmanabad thereby authorizing him to sign the terms of compromise. The said communication is taken on record and marked “X” for identification.

3. Mr. A.R. Kale and Mr. A.M. Gaikwad, learned counsel appearing for the appellant-acquiring body, on instructions from the aforesaid officer, who is present before the panel submits that the rate awarded by the impugned judgment and award passed by the reference court is less than four times of the rate awarded by the S.L.A.O. In view of above, Mr. A.R. Kale and Mr. A.M. Gaikwad, learned counsel appearing for appellant-acquiring body, on instructions from the officer, who is present before the panel and in tune with the Government Resolution dated 03.11.2016 and the subsequent corrigendum dated 23.02.2017 seek leave to withdraw these first appeals.

4. In terms of the award passed by the reference court, the acquiring body in all matters has not deposited the compensation as awarded at the enhanced rate by the reference court. The acquiring body has also taken decision to settle the dispute finally, which squarely falls in the category of Government Resolution dated

03.11.2016 and the subsequent corrigendum dated 23.02.2017.

5. In view of above, leave granted. All first appeals are disposed of as withdrawn. Court fees be refunded as per Rules. Pending civil applications, if any, are also disposed of. Statutory benefits be extended in accordance with law.

6. Mr. A.R. Kale and Mr. A.M. Gaikwad, learned counsel for the appellant-acquiring body, on instructions, submit that the amount at the enhanced rate as awarded by the reference court will be deposited within six months from today. The amount if paid in excess be refunded to the acquiring body.

(K.C.Sant) Advocate Member	(V.B. Mantri) D.J.(Retd.) Member	(V. K. Jadhav, J.) Head of the Panel

Date: 14.07.2018
Place: Aurangabad

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