

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

1004 FIRST APPEAL NO. 938 OF 2015

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIV. OMERGA
VERSUS
MAHANANDA MALKAPPA KALSHETI AND ANR

...

Advocate for Appellant : Mr. S. G. Sangle
Advocate for Respondents-claimants : Mr. N.R. Pawade h/f Mr. L. C. Patil.

...

1005 FIRST APPEAL NO. 939 OF 2015

EXECUTIVE ENGINEER (MI) OMRGA DIST OSMANABAD THR
EXECUTIVE ENGINEER
VERSUS
SHESHIKANT SHIVBAS KALSHETI AND ANR

...

Advocate for Appellant : Mr. S. G. Sangle
Advocate for Respondents-claimants : Mr. N.R. Pawade h/f Mr. L. C. Patil.

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1006 FIRST APPEAL NO. 940 OF 2015

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIV. OMERGA
VERSUS
NINGANNA HANMANT TELI AND ANR

...

Advocate for Appellant : Mr. S. G. Sangle
Advocate for Respondents-claimants : Mr. N.R. Pawade h/f Mr. L. C. Patil.

...

1007 FIRST APPEAL NO. 941 OF 2015

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIV. OMERGA
VERSUS
YESHWANT BASAVAPPA MAGI AND ANR

...

Advocate for Appellant : Mr. S. G. Sangle
Advocate for Respondents-claimants : Mr. N.R. Pawade h/f Mr. L. C. Patil.

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1008 FIRST APPEAL NO. 1986 OF 2017

THE EXECUTIVE ENGINEER, OSANABAD MEDIUM PROJECT DIVISION,
OSMANABAD AND ANR
VERSUS
MADHUKAR DHONDIBA GATKAL DED THR LRS NANA MADHUKAR
GATKAL

...
Advocate for Appellants : Mr. A.R. Kale
Advocate for Respondents-claimants : Mr. M.S.Patil.

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1009 FIRST APPEAL NO. 1988 OF 2017

THE EXECUTIVE ENGINEER, OSANABAD MEDIUM PROJECT DIVISION,
OSMANABAD AND ANR
VERSUS
VISHNU DHONDIBA GATKAL

...
Advocate for Appellants : Mr. A.R. Kale
Advocate for Respondents-claimants : Mr. M.S.Patil.

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1010 FIRST APPEAL NO. 4677 OF 2017

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIVISION, KRASHNA KHORE
VERSUS
MANOHAR JAYRAM AMBAR AND OHERS

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Advocate for Appellant : Mr. S. G. Sangle

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1016 FIRST APPEAL (STAMP) NO. 30399 OF 2013

EXECUTIVE ENGINEER, STRENGTHENING IRRIGATION DIVISION
VERSUS
VISHWANATH LIMBAJI MURUME, LRS. SUBHASH AND OTHERS

...
Advocate for Appellants : Mr. S.G. Sangle

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1017 FIRST APPEAL (STAMP) NO. 30639 OF 2013

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING
DIVISION, OMERGA
VERSUS
VIMALBAI BABURAO ARALE AND OTHERS

...
Advocate for Appellant : Mr. Shirish G. Sangle
AGP for Respondent - State Authority in all matters : Mr. B. V. Virdhe

O R D E R

1. Mr. Alhad Laxmanrao Palwankar, Sub Divisional Officer, Minor Irrigation, Sub Division, Ashti, is present before the panel. Mr. S. G. Sangle, Mr. A.R. Kale, learned counsel for appellant-acquiring body, Mr. N.R. Pawade h/f Mr. L.C. Patil, 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. S.G. Sangle and Mr. A.R. Kale learned counsel appearing for the appellant-acquiring body, on instructions from the aforesaid officer, who is present before the panel submit 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. S.G. Sangle and Mr. A.R. Kale, 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.

3. In terms of Full Bench judgment of this Court in the case of ***State of Maharashtra vs. Kailash Shiva Rangari, reported in***

2016(4) ALL MR 513 (F.B.) and also in view of the judgment of the Single Judge of this court (Coram: S.B. Shukre, J.) in first appeal No. 383 of 2004 decided on 23.11.2017, if the possession of land is taken before the notification for acquisition under Section 4(1) of the Land Acquisition Act is published and/or before the award is passed, the claimants would be entitled to interest as per Section 34 from the date of passing of the award under Section 11 of the Act, except in cases where the possession is taken in accordance with Section 17, where the provision of section 34 of the Act shall start operating from the date of possession.

4. In terms of the award passed by the reference court, the acquiring body in all matters has 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.

6. Mr. S.G. Sangle and Mr. A.R. Kale, learned counsel for the

appellant-acquiring body, on instructions, submit that the amount at the enhanced rate as awarded by the reference court, if any, 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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