

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE V. K. JADHAV,
HELD ON 13TH JULY, 2019,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT
AURANGABAD**

50 FIRST APPEAL NO.931 OF 2007
WITH CA/2041/2007 IN FA/931/2007

THE EXECUTIVE ENGINEER LOWER TERNA RIGHT CANAL NILANGA LATUR
VERSUS
ANILKUMAR RAJMAL BEDMUTHA AND ANR

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51 FIRST APPEAL NO.932 OF 2007
WITH CA/2034/2007 IN FA/932/2007

THE EXECUTIVE ENGINEER NILANGA
VERSUS
RAJMAL SURAJMAL BEDMUTHA THR LRS

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57 FIRST APPEAL NO.2008 OF 2013
WITH CA/5497/2017 IN FA/2008/2013 WITH FA/2009/2013 WITH
FA/2010/2013 WITH FA/2011/2013 WITH FA/2012/2013 WITH FA/2013/2013
WITH FA/2014/2013 WITH FA/2015/2013 WITH FA/2016/2013

GODAWARI MARATHWADA IRRIGATION DEVELOPMENT CORPORATION THR
EXECUTIVE ENGINEER
VERSUS
KASHINATH LAXMAN KILLARE AND ORS

.....

58 CIVIL APPLICATION NO.2045 OF 2013
IN FAST/30364/2012 WITH CA/2046/2013 IN FAST/30364/2012 WITH
CA/2047/2013 IN FAST/30364/2012 WITH CA/4615/2017 IN FAST/30364/2012

GODAWARI MARATHWADA IRRIGATION DEVP. CORP. LATUR
VERSUS
GURUNATH SHIVLING LAMTURE AND ANR

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Advocate for Appellant : Mrs. Kalpalata Patil Bharaswadkar
AGP for State: Mr. A.P. Basarkar
Advocate for Respondent-claimants in FA 931 & 932 of 2007 : Mr. S.S. Manale

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(12)

ORDER

1. Shri Sanjay Vishnupant Jewlikar, Executive Engineer, Lower Terna Canal Division No.2 is present in person. Mrs. Bharaswadkar, learned counsel appearing for the appellant acquiring body and Mr. Basarkar, learned A.G.P. for the State, 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 Special Land Acquisition Officer. In view of above, learned counsel Mrs. Bharaswadkar, appearing for the appellant acquiring body, on instructions of the aforesaid officer, who is present before the panel and in tune with the Government Resolution dated 03.11.2016 and subsequent corrigendum dated 23.02.2017 and 13.08.2018 seeks leave to withdraw these first appeals.

2. Learned counsel Mrs. Bharaswadkar, appearing of that appellant acquiring body on instructions submits that the acquiring body has deposited entire amount of the compensation as awarded at the enhanced rate by the Reference court. Mr. Manale, learned counsel appearing for the respondents-claimants, on instructions, submits that almost in all matters the respondents-claimants have withdrawn the amount as deposited by the appellant-acquiring body.

3. The Government has already taken policy decision to settle the dispute finally which squarely falls in the category as explained in the Government Resolutions dated 03.11.2016 and subsequent corrigendum dated 23.02.2017 and 13.8.2018. In view of the above, leave granted. All

first appeals are disposed of as withdrawn. The Court Fees be refunded as per rules.

4. The pending Civil Applications, if any, are also disposed of accordingly.

5. The appellant acquiring body would be at liberty to initiate the proceedings for recovery of the amount in terms of ratio laid down by the Full Bench of this court in the case of ***State of Maharashtra vs. Kailash Shiva Rangari, reported in 2016(4) ALL MR 513 (F.B.)***, if it is applicable.

6. The respondents original claimants are at liberty to file an application for bringing the legal heirs/representatives on record, if occasion so arises, even after disposal of the appeal/s. The amount, if paid in excess, the same shall 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: 13.07.2019
Place: Aurangabad

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