

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SMT. JUSTICE VIBHA KANKANWADI
HELD ON 14th DECEMBER, 2019,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE,
AT AURANGABAD**

120 to 123 FIRST APPEAL NO.4536 OF 2017

The State of Maharashtra & ors.
VERSUS
Shivaji Ganpati Jadhav & ors.

FIRST APPEAL NO.4537 OF 2017
FIRST APPEAL NO.4538 OF 2017
FIRST APPEAL NO.4539 OF 2017

Mr A. M. Phule, A.G.P. for appellants;
Mr S. B. Gundre, Advocate for respondent Nos.1 to 4

ORDER

1. Mr Avinash Kamble, Sub Divisional Officer, AUSA, Dist. Latur for State authorities is present, who is authorized for entering into compromise. Mr Phule, learned Asstt. Govt. Pleader for State is present. Mr Gundre, learned Advocate for respondents/claimants is present.

2. The parties have come to an amicable settlement and the person representing the State Government has given authorization. It is agreed by the parties that since the compensation that was enhanced by the learned Reference Court is within four times of the compensation awarded by the Special Land Acquisition Officer, the acquiring body does not intend to proceed with the matter. Learned Advocate for the claimants also agrees to the legal position.

3. Learned A.G.P. submits that the compensation that has been awarded is more than four times, which will not be covered under the Government Resolution dated 3rd November, 2016 along with subsequent Corrigendum dated 23rd February, 2017 and 13th August, 2018.

4. In view of the judgment of Full Bench at Nagpur Bench of this Court in the matter of **State of Maharashtra Vs. Kailash Shiva Rangari**, reported in **2016 (4) All MR 513**, the interest under Sections 28 or 34 of the Land Acquisition Act should be from the date of award and it cannot be from the date of possession/notification.

5. The terms of compromise are that the interest which the claimants would get on the enhanced amount of compensation under Sections 28 and 34 of the Land Acquisition Act would be from the date of award.

6. It is stated that the entire amount as per the award is deposited in this Court.

7. In view of the modification in the award, the excess amount be refunded to the Government and the amount as per the modified award be given to the claimants.

In view of the terms of compromise, all the first appeals stand disposed of accordingly. In view of disposal of first appeal, the pending civil applications, if any, also stand disposed of.

The Refund of the court fees as per the Rules.

(K. C. SANT)
Advocate
Member

(A.T.A.K. SHAIKH)
District Judge
(Retd.)
Member

(SMT. VIBHA KANKANWADI, J.)
Head of the Panel

Date: 14.12.2019
Place: Aurangabad

sjk