

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.

86 FIRST APPEAL NO.4167 OF 2017

THE STATE OF MAHARASHTRA AND ANR
VERSUS
KERBA BABU SHINDE DEAD THR LRS RAJENDRA AND ORS

...
AGP Appellants : Mr. R. B. Bagul.
Advocate for Respondent No.1 A : Mr. V. V. Bhavthankar.
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WITH CA/4651/2016 IN FA/4167/2017
WITH CA/12612/2019 IN FA/4167/2017
WITH FA/4168/2017
WITH CA/4668/2016 IN FA/4168/2017
WITH CA/12605/2019 IN FA/4168/2017
WITH FA/4169/2017
WITH CA/4661/2016 IN FA/4169/2017
WITH CA/12608/2019 IN FA/4169/2017
WITH FA/4170/2017
WITH CA/4657/2016 IN FA/4170/2017
WITH CA/12607/2019 IN FA/4170/2017
WITH FA/4171/2017
WITH CA/4653/2016 IN FA/4171/2017
WITH CA/12609/2019 IN FA/4171/2017
WITH FA/4172/2017
WITH CA/4669/2016 IN FA/4172/2017
WITH CA/12610/2019 IN FA/4172/2017
WITH FA/4173/2017
WITH CA/4673/2016 IN FA/4173/2017
WITH CA/12611/2019 IN FA/4173/2017
WITH FA/4174/2017
WITH CA/4675/2016 IN FA/4174/2017
WITH CA/12606/2019 IN FA/4174/2017
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ORDER

1. Mr. Avinash Kamble, Sub-Divisional Officer, Ausa-Renapur-Latur, authorized officer is present, learned AGP Mr. R. B. Bagul is present for appellants-State, learned Advocate Mr. V. V. Bhavthankar is present for the respondents-claimants.

2. Parties agree that the enhancement in the compensation that has been granted by the Reference Court is within four times of the compensation awarded by Special Land Acquisition officer, and therefore, the matters are squarely covered by Government Resolution dated 3rd November 2016, granted by the Reference Court and corrigendum dated 23-02-2017 and 13-08-2018.

3. Parties agree that the interest that can be awarded on the compensation will have to be governed by the ratio in *State of Maharashtra v. Kailash Shiva Rangari*, reported in *AIR 2016 Bombay 141*, and therefore, with the same modification, the Government is withdrawing the appeals to which the claimants have no objection. Therefore, all the appeals are disposed of with the modification in the award to the extent of interest as aforesaid. Court fee be refunded as per rules. Pending civil applications stand disposed of accordingly.

4. Learned advocate for the claimants submits that, amount is though not deposited in this Court but it is deposited with the executing court. Under such circumstance, with the modification in the award, the Government is entitled to receive back the excess amount, if any. As per the modified award, the amount be given to the claimants as per their entitlement.

[K. C. SANT]
Advocate
Member

[A. T. A. K. SHEKH]
District Judge
(Retd.)
Member

[SMT. VIBHA KANKANWADI, J.]
Head of the Panel

Date : 14.12.2019
Place : Aurangabad.

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vjg/-