

IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE P.R.BORA,
HELD ON 17th MARCH, 2019 AT
HIGH COURT LEGAL SERVICES SUB-COMMITTEE, AURANGABAD

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1079 X-OBJECTION (STAMP) NO.5555 OF 2019
FA/2568/2017 WITH CAST/5556/2019 IN X-OBJST/5555/2019

NAVALBAI DAULATSING GIRASE AND OTHERS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, (M.I.P) DHULE AND
ANR

...

1080 X-OBJECTION (STAMP) NO.5560 OF 2019
IN FA/2087/2017

KASHINATH NAMDEO PAWAR (DID) THR LRS RATAN AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

1081 X-OBJECTION (STAMP) NO.5572 OF 2019
IN FA/1732/2010

POPAT JATAN GIRASE
VERSUS
THE COLLECTOR, JALGAON AND ORS.

...

1082 X-OBJECTION (STAMP) NO.5582 OF 2019
IN FA/1672/2010 WITH CAST/5583/2019 IN X-
OBJST/5582/2019

SANTOSH AANANDA MAHAR
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

1083 X-OBJECTION (STAMP) NO.5585 OF 2019
IN FA/992/2010 WITH CAST/5586/2019 IN X-OBJST/5585/2019

BHARATSING RAJESING GIRASE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

1084 X-OBJECTION (STAMP) NO.5587 OF 2019
IN FA/1802/2010

GOUTAM ANANDA MAHAR
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

1085 X-OBJECTION (STAMP) NO.5589 OF 2019
IN FA/1676/2010

SUBHASHINGH GULABSING GIRAE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

1086 X-OBJECTION (STAMP) NO.5592 OF 2019
IN FA/1686/2010 WITH CAST/5593/2019 IN X-
OBJST/5592/2019

BHARATSING SARDARSIN GIRAE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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1087 X-OBJECTION (STAMP) NO.5594 OF 2019
IN FA/1912/2017 WITH CAST/5595/2019 IN X-
OBJST/5594/2019

GANGABAI HARI MAHALE
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, AND ORS

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1088 X-OBJECTION (STAMP) NO.5601 OF 2019
IN FA/2083/2017 WITH CAST/5602/2019 IN X-
OBJST/5601/2019

YADAV BAJESING GIRASE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

1089 X-OBJECTION (STAMP) NO.5611 OF 2019
IN FA/1907/2017

SUKA HAMBER RAJPUT DEAD THROUGH LRS LOTANSING SUKA
GIRASE

VERSUS
THE SPECIAL LAND ACQUISITION OFFICER AND ORS
...

1090 X-OBJECTION (STAMP) NO.5699 OF 2019
IN FA/1670/2010 WITH CAST/5700/2019 IN X-
OBJST/5699/2019

LAXMIBAI AANANDA MAHAR
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...

1091 X-OBJECTION (STAMP) NO.5703 OF 2019
IN FA/1668/2010 WITH CAST/5704/2019 IN X-
OBJST/5703/2019

RAJENDRA RAJESINGH GIRASE
VERSUS
THE STATE OF MAHARASHTRA AND ANR 1
...

1092 X-OBJECTION (STAMP) NO.5705 OF 2019
IN FA/1277/2013

VATSALABAI KOMALSINGH GIRSE
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER, (M.I.P) DHULE AND
ANR
...

1093 X-OBJECTION (STAMP) NO.6868 OF 2019
IN FA/1908/2017 WITH CAST/6869/2019 IN X-
OBJST/6868/2019

BHATABAI DHAKU MAHALE
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...

1094 X-OBJECTION (STAMP) NO.8958 OF 2019
IN FA/2084/2017 WITH CAST/8959/2019 IN X-
OBJST/8958/2019

UDAYSING SURATSING GIRASE
VERSUS
THE STATE OF MAHARASHTRA AND ORS
...

1095 CIVIL APPLICATION (STAMP) NO.8994 OF 2019
IN FAST/8993/2019

GANGJI ZAMBARSING GIRASE (IED) THR LRS LILABAI AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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1096 X-OBJECTION (STAMP) NO.8995 OF 2019
IN FA/1682/2010 WITH CAST/8996/2019 IN X-
OBJST/8995/2019

NANABHAU THANSINGH GIRASE
VERSUS
THE EX. ENGINEER, MEDIUM IRRIGATION PROJECT DHULE AND
1ANR

...

1097 X-OBJECTION (STAMP) NO.8997 OF 2019
IN FA/659/2016

SURATSING RAJESING @ GORAKSING GIRASE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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1098 CIVIL APPLICATION (STAMP) NO.9003 OF 2019
IN FAST/9002/2019

DULA DAGA AKHANDE (DIED) TH LRS SAHANDU DULA AKHANDE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

1099 CIVIL APPLICATION (STAMP) NO.9021 OF 2019
IN FAST/9020/2019

BAJABAI PAULANDSING GIRASE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

1100 CIVIL APPLICATION (STAMP) NO.9028 OF 2019
IN FAST/9027/2019

ASARBAI PAULATSING GIRASE

VERSUS
THE SPECIAL LAND ACQUISITION OFFICER M.I.P. DHULE AND
ORS

...

(At Sr. Nos. 1079 to 1100)

Shri AD Pawar; Shri SS Chillarge and Smt. Vaishali Jadhav, Advocates for appellants/s – acquiring body (in respective matters);

Shri DS Bagul, AGP for Respondent-State;

Shri A.B.Kale, Adv. For Respondent-claimants.

ORDER

1. All these appeals are arising out of the acquisitions made for Wadi Shewadi Medium Project, Tq. Shindkheda, District Dhule. The lands involved in these matters today before the panel are all from village Wadi.

2. The present appeals are filed by the acquiring body, challenging the Judgment and Award passed by the Reference Court.

3. The claimants have also filed the cross-objections, seeking enhancement in the amount of compensation. However, the cross-objections are still on stamp numbers.

4. Shri A.V.Vasave, Deputy Executive Engineer, Dhule Medium Project, Dhule Division,

Dhule is present before the panel. He has tendered letter dated 16th March, 2019 under the signature of Executive Engineer, Dhule Medium Project, Dhule Division, Dhule, authorising him to appear before the panel of Lokadalat and to enter into a settlement in the present matters. Shri A.V.Vasave has also produced on record letter dated 5th July, 2018 from the Executive Engineer, Tapi Irrigation Development Corporation, Jalgaon to the effect that for the acquired lands of village Wadi Shewadi Medium Project, the acquiring body has agreed to enhance the compensation @ Rs.2,00,000/- per hectare for non-irrigated lands and @ Rs.4,00,000/- per hectare for irrigated lands with the statutory benefits and matters be settled accordingly. The authorisation letter dated 16th March, 2019 as well as letter date 5th July, 2018 under the signature of Executive Engineer, Tapi Irrigation Development Corporation, Jalgaon, are taken on record and marked as Exhibit-"X" and Exhibit-"Y".

5. The acquiring body is represented by Advocate AD Pawar; Adv. SS Chillarge and Smt. Vaishali Jadhav, who are present before the panel

of Lokadalat.

6. The claimants are represented by Advocate A.B.Kale. The claimants are not present before the Court. Advocate Shri Kale submitted that he has been authorized by the respective claimants to enter into settlement on their behalf. Shri Kale further submitted that he will file authorisation so given by the claimants in his favour within two weeks.

7. Learned counsel appearing for the acquiring body submitted that in view of the policy decision taken, the acquiring body is ready to enhance the amount of compensation payable to the claimants @ Rs.2,00,000/- per hectare for non-irrigated lands and @ Rs.4,00,000/- per hectare for irrigated lands.

8. Learned counsel Shri A.B.Kale appearing for the claimants submitted that in view of the enhancement offered by the acquiring body, the claimants do not press the cross-objections filed by them and they can be disposed of in the present settlement itself. A chart is produced on record by the learned Counsel, which is signed by all the

parties, wherein all necessary information is provided in respect of the present matters. The said chart is taken on record and marked as Exhibit-"Z".

9. Learned counsel for the parties submitted that it is agreed between the parties that the interest on the enhanced amount of compensation shall not be payable for the period commencing from 1st April, 2018 till 31st March, 2020.

10. In view of the submissions so made, following order is passed, -

ORDER

i. The Respondents-claimants in these matters are held entitled for the compensation @ Rs.2,00,000/- per hectare for non-irrigated lands and @ Rs.4,00,000/- per hectare for irrigated lands.

ii. The enhanced amount of compensation be accordingly calculated excluding the amount of compensation already determined by the Reference Court. The claimants are also entitled for the

statutory benefits on the enhanced amount of compensation, as have been awarded by the Reference Court.

iii. The acquiring body shall pay enhanced amount of compensation on or before 31st March, 2020.

iv. The claimants shall not be entitled for the interest on the enhanced amount of compensation of the period between 1.4.2018 to 31.3.2020.

v. If the amount of compensation is not paid within the period stipulated as above, the claimants shall be entitled to receive interest from the said date onwards in accordance with provisions of law.

vi. The learned counsel for the claimants shall file authorization as undertaken by him from the respective claimants within two weeks.

vii. Award be drawn accordingly.

viii. The acquiring body as well as the claimants shall be entitled for refund

of court fees in accordance with law.

ix. The first appeals as well as cross-objections are thus disposed of in terms of the statement as above. Pending civil application, if any, stands disposed of.

(K.C.SANT)
Advocate
Member

(A.T.A.K. Shekh)
D.J.(Retd.)
Member

(P.R.BORA, J.)
Head of the Panel

Date: 17.03.2019
Place: Aurangabad

BDV