

**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**

29 CIVIL APPLICATION NO.6709 OF 2018
IN FAST/11554/2018 WITH CA/6710/2018 IN FAST/11554/2018 WITH
CA/6711/2018 IN FAST/11651/2018 WITH CA/6712/2018 IN FAST/11651/2018
WITH CA/6713/2018 IN FAST/11687/2018 WITH CA/6714/2018 IN
FAST/11687/2018 WITH CA/6715/2018 IN FAST/11690/2018 WITH
CA/6717/2018 IN FAST/11690/2018 WITH CA/6718/2018 IN FAST/11684/2018
WITH CA/6719/2018 IN FAST/11684/2018 WITH CA/6720/2018 IN
FAST/11681/2018 WITH CA/6721/2018 IN FAST/11681/2018 WITH
CA/6722/2018 IN FAST/11678/2018 WITH CA/6723/2018 IN FAST/11678/2018
WITH CA/6724/2018 IN FAST/11648/2018 WITH CA/6725/2018 IN
FAST/11648/2018 WITH CA/6726/2018 IN FAST/11655/2018 WITH
CA/6727/2018 IN FAST/11655/2018 WITH CA/6728/2018 IN FAST/11668/2018
WITH CA/6729/2018 IN FAST/11668/2018 WITH CA/6730/2018 IN
FAST/11664/2018 WITH CA/6731/2018 IN FAST/11664/2018

THE EX. ENGINEER, LATUR MINOR IRRIGATION DIV. LATUR UNDER G.M.I.D.C.,
AURANGABAD
VERSUS
DIGAMBAR VITHAL POTDAR (DIED) THR LRS KAMALBAI AND ORS

.....
Advocate for Applicant : Mr. Shinde Bhagwat A.
AGP for Respondents: Mr. R.B. Bagul
Advocate for Respondents-claimants : Mr. H.B. Nandagavale with Mr. V.G.
Sakolkar

.....

(11)

O R D E R

1. Shri Giriraj Kishanrao Joshi, Executive Engineer, Latur Minor Irrigation Division, Latur is present in person. Mr. Shinde, learned counsel appearing for the appellant acquiring body and Mr. Bagul, 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 Mr. Shinde, 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. The appellant acquiring body has not deposited the amount as awarded at the enhanced rate by the Reference court. Learned counsel Mr. Shinde appearing for the appellant acquiring body, on instructions submits that the acquiring body would deposit the amount as per the award within one year from today, failing which the said amount, as per the award, shall carry the interest.

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. Learned counsel for the respondents-original claimants, on instructions from the respondents-claimants and in terms of the 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.)***, judgment of learned Single Judge of this court in the case of ***State of Maharashtra vs Ramesh Tukaram Meshram and another, reported in 2018 (1) ALL MR 645*** and unreported judgment of this court ***dated 5th March, 2018 in first appeal No. 483 of 2018 (State of Maharashtra and others vs. Pandharinath Govind Misal and others)*** and other connected appeals, waives the payment of interest awarded under Sections 28 and 34 of the Land Acquisition Act 1894, if 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

rlj/