

**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**

9 FIRST APPEAL NO.351 OF 2019
WITH FA/352/2019 WITH FA/353/2019 WITH FA/354/2019 WITH
FA/355/2019 WITH FA/356/2019 WITH FA/357/2019 WITH FA/358/2019

THE STATE OF MAHARASHTRA AND ANR
VERSUS
BHALCHANDRA BHIMAJI BAGAL, L.RS. APPASAHEB AND ANOTHER

.....
AGP for Appellants : Mr. A.M. Phule
Advocate for appellant-acquiring body: Mr. G.B. Rajale
Advocate for Respondents : Mr. R.K. Temkar
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(08)

O R D E R

1. Shri Ramesh Machindra Vibhute, Deputy Executive Engineer, authorized by the Executive Engineer Kukadi Distribution Construction Division, Kolwadi, Tq. Karjat, District Ahmednagar, is present in person. Mr. Rajale, learned counsel for the appellant-acquiring body, on instructions from the aforesaid officer, who is present before the panel submits 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. Rajale, 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 for the respondents-original claimants, on instructions from the respondents-claimants, who are present before the Court and they have signed the pursis to that effect before the court, submits that the respondents-original claimants 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. The aforesaid pursis is taken on record and marked "X" for identification. Learned counsel for the respondents-claimants submits that the respondents-claimants, who are not present before the court, a pursis to that effect signed by them will be submitted in the office within one week from today.

3. Mr. Rajale, learned counsel for the appellant acquiring body,

on instructions from the officer, who is present before the panel submits that the entire amount as per the award at the enhanced rate by the Reference Court shall be deposited before this court within a period of one month from today and in terms of the waiver as per the pursis filed by the respondents-original claimants, the amount in excess shall be refunded to the co-appellant/acquiring body. In view of the above submission, if the amount in excess as per the waiver is deposited before this court, the same shall be refunded to the co-appellant/acquiring body. The said amount as per the award if not deposited within a period of one month, the amount as per the award shall carry interest and all statutory benefits from the date of the award.

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

5. 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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