

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY  
HON'BLE SHRI JUSTICE V. K. JADHAV,  
HELD ON 13<sup>TH</sup> JULY, 2019,  
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT  
AURANGABAD**

96 FIRST APPEAL NO.1341 OF 2013

THE STATE OF MAHARASHTRA AND ANR  
VERSUS  
GURUBAI NAGAPPA PATNE DIED LRS PUTLABAI GURAPPA CHINGURDE AND  
ANR

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97 FIRST APPEAL NO.3960 OF 2016  
WITH FA/1880/2016

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION,  
OSMANABAD (UNDER K.K.V  
VERSUS  
ASHOK SHRIRAM MORE

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99 CIVIL APPLICATION NO.1146 OF 2017  
IN FAST/15555/2014 WITH CA/1148/2017 IN FAST/15606/2014 WITH  
CA/1150/2017 IN FAST/15612/2014 WITH CA/1153/2017 IN FAST/15603/2014

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING  
DIVISION, OMERGA, OSMAN  
VERSUS  
MUDRIKABAI SHANKAR GAIKWAD AND OTHERS

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104 FIRST APPEAL NO.2693 OF 2017  
WITH CA/7240/2013 IN FA/2693/2017 WITH FA/2695/2017 WITH  
CA/7250/2013 IN FA/2695/2017 WITH FA/2696/2017 WITH CA/7253/2013 IN  
FA/2696/2017 WITH FA/2697/2017 WITH CA/7242/2013 IN FA/2697/2017  
WITH FA/2698/2017 WITH CA/7248/2013 IN FA/2698/2017

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING DIVISION,  
OMERGA  
VERSUS  
BABU MIYAN PATEL AND OTHERS

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107 FIRST APPEAL NO.254 OF 2018

EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION,  
OSMANABAD NOW UNDER THE M.  
VERSUS

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JARICHAND MANOHAR UMAP DIED AND ORS

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111 FIRST APPEAL NO.778 OF 2018  
WITH CA/10371/2015 IN FA/778/2018

EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING DIVISION  
OMERGA  
VERSUS  
RAJENDRA LAXMAN KAMBLE AND OTHERS

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112 FIRST APPEAL NO.1544 OF 2018

EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING DIVISION  
OMERGA  
VERSUS  
ABDUL KADAR MOHD YUSUF GANI AND OTHERS

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113 FIRST APPEAL NO.1549 OF 2018

EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING DIVISION  
OMERGA  
VERSUS  
YASHWANT NARSAPPA MADOLE DIED HIS LRS MAHADEO AND OTHERS

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114 FIRST APPEAL NO.1550 OF 2018

EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING DIVISION  
OMERGA  
VERSUS  
SATISH VASANTRAO MALI AND OTHERS

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115 FIRST APPEAL NO.1551 OF 2018

EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING DIVISION  
OMERGA  
VERSUS  
NARAYAN NAGAPPA PATANE AND OTHERS

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116 FIRST APPEAL NO.1552 OF 2018

EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING DIVISION  
OMERGATHE COURT OF LOK ADALAT  
VERSUS  
MAHADEO YASHWANT MADOLE AND OTHERS 1

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117 FIRST APPEAL NO.1553 OF 2018

EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING DIVISION  
OMERGA  
VERSUS  
BABU DHONDAPPA PATIL AND OTHERS

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118 FIRST APPEAL NO.1554 OF 2018

EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING DIVISION  
OMERGA  
VERSUS  
SARUBAI SANGRAM PATIL AND OTHERS

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119 FIRST APPEAL NO.1555 OF 2018

EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING DIVISION  
OMERGA  
VERSUS  
BABURAO RAGHUNATH GANGNE AND OTHERS

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122 FIRST APPEAL (STAMP) NO.10345 OF 2013  
WITH CA/7245/2013 IN FAST/10345/2013 WITH CA/7246/2013 IN  
FAST/10345/2013

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING DIVISION,  
OMERGA  
VERSUS  
RAMESH BIRA DHANGAR(GHODKE) AND OTHERS

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123 FIRST APPEAL (STAMP) NO.10350 OF 2013  
WITH CA/7243/2013 IN FAST/10350/2013 WITH CA/7244/2013 IN  
FAST/10350/2013

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING DIVISION,  
OMERGA  
VERSUS  
KHALIL MAHEBOOB AND OTHERS

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124 FIRST APPEAL (STAMP) NO.10361 OF 2013  
WITH CA/7255/2013 IN FAST/10361/2013 WITH CA/7256/2013 IN  
FAST/10361/2013

EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING DIVISION,  
OMERGA  
VERSUS  
SHANKAR MAILARI SSHIRGURE DIED LRS ASHOK AND OTHERS

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125 FIRST APPEAL (STAMP) NO.28926 OF 2014  
WITH CA/10372/2015 IN FAST/28926/2014 WITH CA/10373/2015 IN  
FAST/28926/2014

EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING DIVISION  
OMERGA  
VERSUS  
ARJUN MARTAND KAMBLE DIED HIS LRS DHULIRAM ARJUN KAMBLE AND  
OTHERS

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127 FIRST APPEAL (STAMP) NO.16124 OF 2017  
WITH CA/7617/2017 IN FAST/16124/2017 WITH CA/7618/2017 IN  
FAST/16124/2017

THE EX. ENGINEER, OSMANABAD MEDIUM PROJECT DIV. OSMANABAD AND  
ORS  
VERSUS  
GOKUL ANNA DEOKAR

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AGP for the appellant-State in FA No. 1341 of 2013: Mr. R.B. Bagul  
Advocate for the appellant: Panel advocates  
Advocate for the respondents-claimants: Mr. L.C. Patil, E.S. Murge, S.A. Wakure,  
A.S. More, N.S. Tekale, A.H. Koralkar, S.N. Patne (in respective matters)

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## O R D E R

1. Shri Nitin Prabhakar Ambure, Executive Engineer, Osmanabad Medium Project Division, Osmanabad is present in person. Learned counsel appearing for the appellant-acquiring body, 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 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, seek leave to withdraw these first appeals.

2. Learned counsel for the appellant-acquiring body on instructions submit that the acquiring body has deposited the amount in some of the matters and in some matters the amount is yet to be deposited. So far as the amount which is not deposited as per the award at the enhanced rate passed by the Reference court, the acquiring body has agreed to deposit the said amount within a period of 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. 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 5<sup>th</sup> March, 2018 in first appeal No. 483 of 2018 (State of Maharashtra and others vs. Pandharinath Govind Misal and others)*** and other connected appeals, shall waive the payment of interest awarded under Sections 28 and 34 of the Land Acquisition Act 1894, if it is 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/