

**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**

100 FIRST APPEAL NO.1784 OF 2017
WITH FA/1769/2017 WITH FA/1785/2017 WITH FA/1786/2017

EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION,
OSMANABAD THR M.K.V.D.C.
VERSUS
BALASAHEB JANARDHAN GUNJAL

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101 FIRST APPEAL NO.1793 OF 2017

EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION O.BAD
VERSUS
HAUSERAO MAHADEO GUNJAL AND ANOTHER

.....

102 FIRST APPEAL NO.2099 OF 2017

THE EXECUTIVE ENGINEER O.BAD MED PROJECT DIVN OSMANABADTHE
COURT OF LOK ADALAT
VERSUS
YUVRAJ SADHU YADAV AND ORS 1

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105 FIRST APPEAL NO.251 OF 2018

EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION,
OSMANABAD NOW UNDER THE M.
VERSUS
SHIVAJI BALI AWATE AND ORS

.....

108 FIRST APPEAL NO.255 OF 2018

EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION,
OSMANABAD NOW UNDER THE M.
VERSUS
GAJENDRA BALBHIM ZIL AND ORS

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109 FIRST APPEAL NO.256 OF 2018

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

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RUSHINATH ANANTA AUTADE AND ORS

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110 FIRST APPEAL NO.257 OF 2018

EXECUTIVE ENGINEER, OSMANABAD THE COURT OF LOK ADALAT
MEDIUM PROJECT DIVISION, OSMANABAD NOW UNDER THE M.
VERSUS

VASANT BALBHIM ZEEL AND ORS 1

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121 FIRST APPEAL NO.1055 OF 2019
WITH CA/8241/2016 IN FA/1055/2019

EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION O.BAD
VERSUS

VISHWANATH EKNATH GUNJAL

.....

126 FIRST APPEAL (STAMP) NO.13644 OF 2016
WITH CA/8242/2016 IN FAST/13644/2016 WITH CA/8243/2016 IN
FAST/13644/2016

EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT DIVISION O.BAD
VERSUS

TRIMBAK TUKARAM GUNJAL

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Advocate for Appellant : Panel advocates

AGP for State: Mr. A.P. Basarkar

Advocate for Respondents-claimants : Mr. E.S. Murge, A.T. Ghute (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, 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

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 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. The respondents-claimants are permitted to withdraw the amount which is already deposited so also the amount which will be deposited by the appellant-acquiring body.

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.

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

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