

**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**

7 FIRST APPEAL NO.3981 OF 2017

THE EXECUTIVE ENGINEER LOWER TERNA CANAL DIVISION 2 LATUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

.....
Advocate for Appellant : Mr. D.B. Pawar h/f Mr. T.B. Bhosle
AGP for Respondent-State: Mr. R.B. Bagul
Advocate for Respondents-claimants : Mr. Pravin G. Patil

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(01)

O R D E R

1. Shri Sanjay Vishnupant Jewlikar, Executive Engineer, Lower Terna Canal Division No.2 is present in person. Mr. Pawar h/f Mr. Bhosale 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.

2. In the earlier National Lok Adalat held on 10.2.2018, 8 matters pertaining to the same group in terms of the settlement came to be disposed of and inadvertently this matter remained to be placed before the panel.

3. In view of above, learned counsel Mr. Pawar, 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 this first appeal.

4. Learned counsel Mr. Pawar, appearing for the appellant acquiring body on instructions submits that the acquiring body has deposited entire amount of compensation as awarded at the enhanced rate by the Reference court. Mr. Patil, learned counsel appearing for the respondents-claimants, on instructions, submits that out of the total amount, the respondents-claimants have withdrawn 75% of the amount and 25% of the amount is still lying in the court.

5. 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. First appeal is disposed of as withdrawn. The Court Fees be refunded as per rules.

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

7. The respondents-claimants are permitted to withdraw the balance amount.

8. 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/