

IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE P.R.BORA,
HELD ON 17th MARCH, 2019
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT AURANGABAD

1006 FIRST APPEAL NO.2463 OF 2018
WITH
1007 FIRST APPEAL NO.2464 OF 2018
WITH
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WITH
1009 FIRST APPEAL NO.2466 OF 2018
WITH
1011 FIRST APPEAL NO.2468 OF 2018
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1032 FIRST APPEAL NO.2507 OF 2018
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1033 FIRST APPEAL NO.2508 OF 2018
WITH
1034 FIRST APPEAL NO.2509 OF 2018

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ORDER

. Shri A.B. Kale, the learned counsel appearing for the claimants, Smt. Rajani Sachin Deshmukh, the Executive Engineer Lower Tapi Project Division Amalner, Shri Ramsing Sulane, the Special Land Acquisition Officer and Smt. Chaitali Chaudhari, the learned counsel appearing for the acquiring body and the learned AGP Shri A.M. Phule appearing for the Respondent-State are present before the panel.

2. All these matters are arising out of the acquisitions made for the Waghur Project of the house properties situated at village Padalsari, Jalgaon. The learned counsel appearing for the claimants and the learned counsel appearing for the acquiring body jointly submitted that this Court while deciding First Appeal No.2745 of 2015 with connected other appeals on 21.10.2015 pertaining to the acquisition of the house properties acquired for the Waghur Project, has held the respective claimants therein entitled for the enhancement in the amount of compensation in accordance with valuation given of the said houses by the expert by deducting 15% amount from the said valuation. The learned counsel further

submitted that the said decision has been followed in the subsequent matters and some matters have also been settled in Lok Adalat held in the past on the similar lines. In the present matters also, it is a joint request from the claimants and the acquiring body that they are ready to settle the present matters on the similar terms.

3. The chart has been prepared of the present matters and the required information is filled in with 6 columns in the said chart. The first column carry Serial No. as are in the causelist published for todays Lok Adalat. In the second column, name of the claimants is mentioned. Third column contains the L.A.R. No. Fourth column shows first appeal on stamp number. Fifth column prescribes the constructed area in sq. mtrs and in the sixth column, the valuation given by the expert is mentioned. The chart is signed by all concerned i.e. by Advocate Shri A.B. Kale for the claimants, by Advocate Smt. Chaitali Chaudhari for the acquiring body, Smt. Rajani Sachin Deshmukh, the Executive Engineer Lower Tapi Project Division Amalner and Shri Ramsing Sulane, the Special Land Acquisition Officer. The chart is taken on record and marked 'X' for identification.

4. It is further submitted that the claimants are ready to waive the interest for the period of delay, which has occurred in filing the appeals by them on the enhanced amount of compensation. The acquiring body does not have any objection for condoning the delay on the aforesaid condition. In view of the submissions made, the following order is passed:

ORDER

i) The claimants in all these matters are held entitled for the enhanced compensation at the rate as prescribed by the expert valuer,

whose report has been annexed in every matter and the said amount which has been shown in column six of the chart by deducting 15% amount from it.

ii) The claimants are also held entitled for all statutory benefits which are granted by the Reference Court even on the enhanced amount of compensation.

iii) It is clarified that the claimants shall not be entitled for the interest on the enhanced amount of compensation for the period of delay and the interest under Section 28 and 34 of the Act shall be payable from the date of passing of the award under Section 11 of the Act.

iv) The awards be prepared accordingly.

v) All first appeals and delay condonation applications stand allowed in the aforesaid terms. Pending civil applications, if any, stand disposed of.

vi) The aforesaid order is dictated in presence of the learned counsel appearing for the claimants Shri A.B. Kale, the Executive Engineer Smt. Rajani Sachin Deshmukh, the Special Land Acquisition Officer Shri Ramsing Sulane and the learned counsel for the acquiring body Smt. Chaitali Chaudhari.

(K.C. Sant)
Advocate
Member

(A.T.A.K. Shaikh)
D.J.(Retd.)
Member

(P.R.BORA, J.)
Head of the Panel

Date: 17.03.2019
Place: Aurangabad