

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

901 FIRST APPEAL NO.2222 OF 2017
WITH
905 FIRST APPEAL NO.2239 OF 2017
WITH
906 FIRST APPEAL NO.2240 OF 2017
WITH
910 FIRST APPEAL NO.2308 OF 2017
WITH
912 FIRST APPEAL NO.2310 OF 2017
WITH
917 FIRST APPEAL NO.2332 OF 2017
WITH
920 FIRST APPEAL NO.2351 OF 2017
WITH
923 FIRST APPEAL NO.2354 OF 2017
WITH
924 FIRST APPEAL NO.2367 OF 2017
WITH
925 FIRST APPEAL NO.2390 OF 2017
WITH
926 FIRST APPEAL NO.2391 OF 2017
WITH
930 FIRST APPEAL NO.2435 OF 2017
WITH
931 FIRST APPEAL NO.2436 OF 2017
WITH
935-A FIRST APPEAL NO.1615 OF 2017
WITH
936 CIVIL APPLICATION (STAMP) NO.36625 OF 2018
IN FAST/36624/2018
WITH
937 CIVIL APPLICATION (STAMP) NO.36644 OF 2018
IN FAST/36643/2018
WITH
938 CIVIL APPLICATION (STAMP) NO.36648 OF 2018
IN FAST/36647/2018

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ORDER

. Shri A.B. Kale, the learned counsel appearing for the

claimants, Shri Warade, the Executive Engineer Waghur Dam Division, 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 construction of Waghur Dam. The lands which are involved in the present matters are all from village Chinchkheda, Tal. Jalgaon. It is brought to the notice of the panel that the Division Bench of this Court in the case of “**Special Land Acquisition Officer, Jalgaon Vs. Bhagwat Vittal Sonwane, 2009 (4) Mh.L.J**, has determined the market value of the lands acquired for the Waghur Project at the rate of Rs.2,00,000/- per hectare for non-irrigated land, Rs.3,00,000/- per hectare for semi-irrigated land, Rs.4,00,000/- for perennially irrigated land and Rs.1,00,000/- per hectare for pot kharab land. It is also brought to the notice of the panel that based on the aforesaid judgment of the division bench, several matters have been decided in the Lok Adalat held in past. The panel is further informed that in the present matters also the claimants and the acquiring body as well as the State Government have arrived at a compromise and pray for a compromise decree from the panel of this Lok Adalat.

3. In some matters, apparently a huge delay has occurred in filing the appeals by the claimants. The appeals are therefore not yet registered as the first appeals are on stamp number. The learned counsel for the claimants submitted that the claimants are ready to waive the interest of the period of delay on the enhanced amount of compensation. The learned counsel for the acquiring body and the learned AGP have agreed that if the claimants waive the right to claim

the interest for the period of delay, the acquiring body is ready to pay them the enhanced amount of compensation at the rate which has been determined by this Court in the case of 'Bhagwat Vittal Sonwane' (cited supra). Accordingly, the chart has been prepared for the matters from Serial Nos. 901 to 938 excluding the matters at Serial Nos. 902, 903, 904, 907, 908, 909, 911, 913, 914, 915, 916, 918, 919, 921, 922, 927, 928, 929, 932, 933, 934, 935. In the said chart, the compensation granted by the Reference Court and the compensation agreed to be paid in Lok Adalat as well as the difference in the amount which may be payable to the claimants are mentioned. The chart is signed by the Executive Engineer Shri. P.P. Warade of the Waghur Dam Division Jalgaon. The said Executive Engineer Shri. P.P. Warade is present before the panel. The Special Land Acquisition Officer Shri. Ramsing Sulane has also signed the chart and he is also present before the panel. On behalf of the claimants Advocate Shri A.B. Kale has signed the said chart and he is also present before the panel. On behalf of the acquiring body Advocate Smt. Chaitali Chaudhari has signed the said chart and she is also present before the panel.

4. Since, the parties have arrived at the settlement in the aforesaid terms, the following order is passed:

ORDER

- i) The delay caused in filing the appeals by the claimants is condoned subject to a condition that they shall not be entitled for the interest of the period of delay on the enhanced amount of compensation.
- ii) The appellants in all these appeals are held entitled to receive the compensation at the rate of Rs.2,00,000/- per hectare for non-

irrigated land, Rs.3,00,000/- per hectare for semi-irrigated land, Rs.4,00,000/- for perennially irrigated land and Rs.1,00,000/- per hectare for pot kharab land.

iii) The amount of enhanced compensation is to be paid to the respective claimants as per the categorization of their lands as has been made by the SLAO and as has been shown in the E-Chart in that regard.

iv) The amount of compensation paid as per the award passed by the Reference Court is liable to be excluded from the amount which may now to be determined at the aforesaid rates.

v) It is clarified that the claimants are entitled for statutory benefits under Section 23(1)(a) and 23(2) of the Act on the enhanced amount of compensation.

vi) It is also clarified that the appellants-claimants are held entitled for the interest under Section 28 and 34 of the Act from the date of passing of the award under Section 11 of the Act.

vii) It is further clarified that no interest shall be payable to the claimants of the period of delay on the enhanced amount of compensation.

viii) It is further clarified that the amount of enhanced compensation shall be paid to the respective claimants within the period of one year from the date of this order for preparation of decree in the matters and the claimants shall not claim any interest of the said period.

ix) If the amount is not paid within the period stipulated as above, the amount of compensation shall carry interest from the said date in accordance with the provisions of law.

x) The awards be prepared accordingly.

xi) All first appeals stand allowed in the aforesaid terms. Pending

civil applications, if any, stand disposed of.

xii) The claimants are entitled for refund of Court fees in accordance with law.

xiii) The aforesaid order is dictated in presence of the learned counsel appearing for the claimants Shri A.B. Kale, the Executive Engineer Shri Warade, the Special Land Acquisition Officer Shri Ramsing Sulane and the learned counsel for the acquiring body Smt. Chaitali Chaudhari and the learned AGP Shri A.M. Phule for the Respondent-State.

(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