

**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**

103 FIRST APPEAL NO.2567 OF 2017

THE EXECUTIVE ENGINEER, IRRIGATION PROJECT, MAJBUTIKARAN  
DIVISION, OMERGA THR M.K.V  
VERSUS  
DATTU SAMBHAJI HAWALE

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Advocate for the appellant: Panel advocate  
AGP for the State: Mr. A.M. Phule  
Advocate for the respondents-claimants: Mr. L.C. Patil

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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 this first appeal.

2. 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. The first appeal is disposed of as withdrawn. The Court Fees be refunded as per Rules.

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

4. Learned counsel for the appellant-acquiring body, on instructions, submits that the acquiring body has deposited the amount after deducting the amount under Sections 28 and 34 of the Land Acquisition Act 1894, 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. In view of the same, the respondents-claimants are permitted to withdraw the amount

deposited before this court.

5. 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/