

**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**

32 CIVIL APPLICATION NO.7527 OF 2019
IN FAST/22711/2018 WITH CA/7528/2019 IN FAST/22711/2018

THE G.M.I.D.C., THR THE EX. ENGINEER, MINOR IRRIGATION DIVISION, LATUR
AND ORS
VERSUS
MOHAN BALIRAM SONTAKKE (DIED) THR LRS MURLIDHAR AND ORS
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33 CIVIL APPLICATION NO.7529 OF 2019
IN FAST/22920/2018 WITH CA/7530/2019 IN FAST/22920/2018

THE G.M.I.D.C., THR THE EX. ENGINEER, MINOR IRRIGATION DIVISION, LATUR
AND ORS
VERSUS
SATRUGHAN SADHU MAGAR (DEAD) THR LRS ASHABAI
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34 CIVIL APPLICATION NO.7531 OF 2019
IN FAST/22917/2018 WITH CA/7532/2019 IN FAST/22917/2018

THE G.M.I.D.C., THR THE EX. ENGINEER, MINOR IRRIGATION THE COURT OF
LOK ADALAT DIVISION, LATUR AND ORS
VERSUS
PRANITA DAGADU MAGAR 1
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Advocate for Applicants : Mr. Gaikwad Anil M.
AGP for State: Mr. R.B. Bagul
Advocate for Respondents-claimants : Mr. H.B. Nandgavale with Mr. V.G.
Sakolkar
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(3)

O R D E R

1. Shri Giriraj Kishanrao Joshi, Executive Engineer, Latur Minor Irrigation Division, Latur is present in person. Mr. Gaikwad, 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. In view of above, learned counsel Mr. Gaikwad, 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 Mr. Gaikwad appearing for the appellant acquiring body, on instructions, submits that the acquiring body would deposit the amount as per the award within one year from today, if not deposited. Failure on the part of acquiring body to deposit the amount, as aforesaid, the said amount, as per the award, shall carry interest.

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. It is made clear that the respondents-claimants 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, shall not be entitled for 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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