

**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**

55 FIRST APPEAL NO.714 OF 2009
WITH FA/715/2009 WITH FA/716/2009

THE EX ENGINEER L T P CANAL DIVISION NO. II LATUR
VERSUS
GOVIND BHIMRAO USNALE AND ANR

.....

59 FIRST APPEAL NO.744 OF 2014
WITH CA/8150/2009 IN FA/744/2014

THE EXECUTIVE ENGINEER, LTP CANAL DIV LATUR
VERSUS
VISHWANATH SABHU SHINDE AND ANR

.....

60 CIVIL APPLICATION NO.11298 OF 2014
IN FAST/26352/2014 WITH CA/11299/2014 IN FAST/26352/2014 WITH
CA/11325/2014 IN FAST/26466/2014 WITH CA/11326/2014 IN
FAST/26466/2014

GODAVARI KHORE MARATHWADA IRRIGATION DEVELOPMENT CORPORATION
AND ANOTHER
VERSUS
GUNDAJI NIVRUTI MANE

.....

62 FIRST APPEAL NO.2053 OF 2015
WITH CA/12140/2008 IN FA/2053/2015

THE EX ENGINEER L T P CANAL DIVISION NO. II LATUR
VERSUS
VENKAT NAGOBA ZARE AND ANR

.....

63 FIRST APPEAL NO.3237 OF 2015

THE EX ENGINEER L T P CANAL DIVISION NO. II LATUR
THE COURT OF LOK
ADALAT
VERSUS
DAULA RAMJI MANE AND ANR 1

.....

Advocate for Appellant : Mrs. Geeta Deshpande
AGP for State: Mr. B.V. Virdhe
Advocate for Respondents-claimants : Mr. S.S. Manale

(08)

O R D E R

1. Shri Sanjay Vishnupant Jewlikar, Executive Engineer, Lower Terna Canal Division No.2 is present in person. Mrs. Deshpande, learned counsel appearing for the appellant acquiring body and Mr. Virdhe, 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 Mrs. Deshpande, 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. Though the respondents-claimants are duly served in these first appeals, except Shri Manale, who appears in first appeal St. No. 26352 of 2014, none appears for the respondents-claimants in other appeals.

2. Learned counsel Mrs. Deshpande, appearing for the appellant acquiring body on instructions submits that acquiring body has deposited entire amount of compensation as awarded at the

enhanced rate by the Reference court, in this Court.

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. The appellant acquiring body would be at liberty to initiate the proceedings for recovery of the payment of interest awarded under Sections 28 and 34 of 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 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, if it is

applicable.

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

rlj/