

**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**

61 FIRST APPEAL NO.1333 OF 2015

THE EXECUTIVE ENGINEER LOWER TERNA CANAL DIVISION NO.2 LATUR  
UNDER GMIDC AURANGAB  
VERSUS  
RAMA MARTHANDA KORALE SINCE DECEASED THROUGH LRS SHEWANTABAI  
SHRIPATI MIRDAPURE A

.....  
Advocate for Appellant : Mr. Shinde Bhagwat A.  
AGP for State: Mr. B.V. Virdhe  
None for the respondents-claimants

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(01)

**O R D E R**

1. Shri Sanjay Vishnupant Jewlikar, Executive Engineer, Lower Terna Canal Division No.2 is present in person. Mr. Shinde, 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 Mr. Shinde, 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. Though the respondents-claimants are duly served none appears for them.

2. Learned counsel Mr. Shinde, 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. The first appeal is disposed of as withdrawn.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 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, 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/