

**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**

11 FIRST APPEAL NO.1689 OF 2019

THE EXECUTIVE ENGINEER, KUKADI LEFT BANK CANAL, SUB-DIVISION,
KOLWADIHE COURT OF LOK ADALAT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Appellant : Mr. Rajale Gulab B.

AGP for Respondents: Mr. B.V. Virdhe

Advocate for Respondents : Mr. Shaikh Shoyad and A.A. Nimbalkar

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(01)

O R D E R

1. Shri Ramesh Machindra Vibhute, Deputy Executive Engineer, authorized by the Executive Engineer Kukadi Distribution Construction Division, Kolwadi, Tq. Karjat, District Ahmednagar, is present in person. The said authority letter is taken on record and marked "X" for identification. Mr. G.B. Rajale, learned counsel 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 Mr. Rajale, 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. Mr. Rajale, learned counsel for the appellant acquiring body, on instructions, submits that the appellant acquiring body has deposited the entire amount in terms of the enhanced award passed 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. First appeal is disposed of as withdrawn. The Court Fees be refunded as per Rules. The pending Civil Applications, if any, are also disposed of accordingly.

4. Learned counsel for the respondents-original claimants, on instructions from the respondents-claimants and 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, waives the payment of interest awarded under Sections 28 and 34 of the Land Acquisition Act 1894, if applicable.

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/