

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.12906 OF 2019

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GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION AURANGABAD THROUGH EXECUTIVE ENGINEER
VERSUS
ASHOK BAJIRAO GHULE AND OTHERS

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Advocate for the Petitioner : Shri P.R.Katneshwarkar h/f Shri Bhalerao
Sudhir G.

Advocate for the Respondents : Shri S.K.Naikwade, Shri D.R.Jayabhar,
Shri R.G.Hange, Shri S.E. Shekade, Shri A.D.Gade, Shri A.V.Thombre and
Shri N.P.Bangar

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CORAM: RAVINDRA V. GHUGE, J.
DATE :- 22nd November, 2019

Per Court:

1 This Court has dealt with similar proceedings in Writ Petition No.13136/2018 along with a large list of petitions, vide the order dated 13.02.2019. That was with reference to the Lok-Adalat proceedings in which, the proceedings had been disposed off as having been settled, in the absence of the authorized officer of the acquiring body having an authorization to settle the matter.

2 The instant list of matters also has this facet and hence, the

petitioner/ acquiring body is before this Court in this long list of petitions.

3 After substantial hearing in this matter, the learned advocate for the petitioner/ acquiring body, having obtained instructions, submits that the Special Land Acquisition Officer has granted specific amounts of compensation to the respondents/ claimants. Thereafter, the respondents have approached the Land Acquisition Reference Courts (LAR Court) in Beed district. In the Lok-Adalat, the compromise amounts have been enhanced in between four (04) times to twenty (20) times.

4 After much deliberations and upon instructions, the learned advocate for the petitioner/ acquiring body submits that the amount granted by the Special Land Acquisition Officer may be taken as "X". The petitioner is willing to double the said amount "X" thereby making it "2X". The interest at the rate of 15% per annum on the amount "2X" is also approved. These amounts shall be deposited before the LAR Courts with respect to each respondent/ claimant.

5 He then submits that the decretal amount has already been deposited in the LAR Courts in some cases and has accumulated interest. The petitioner would add the amount "X" to the decretal amount already deposited thereby, making it "X plus decretal amount". The interest that has accumulated and 15% interest on the amount "X", since it was not deposited, will be added.

6 He submits that in some cases, the respondents/ claimants

have withdrawn the entire amount that has been deposited by the petitioner.

7 It is then submitted that these respondents/ claimants may be allowed to withdraw the above stated amounts, if not already withdrawn. The amounts, which are required to be deposited before the LAR Courts by the petitioner, would be deposited on or before 31.01.2020 and by tendering an affidavit undertaking, these respondents/ claimants/ farmers can withdraw the said amounts viz. "2X plus interest". The LAR proceedings be restored and may be decided within a particular time frame.

8 The respondents have appeared on notice being published in daily "Sakal" and daily "Zunjar Neta", Beed editions.

9 The learned advocates appearing for the respondents/ claimants/ farmers submit that the State has taken a policy decision that it would not prefer any appeal against the judgment of the LAR Court only if the enhancement is upto four times of the amount granted by the Special Land Acquisition Officer, which is "X". They, therefore, urge that the petitioner be directed to deposit the amount "4X". However, the petitioner is not agreeable to the said contention as the LAR Court may not necessarily grant the amount upto "4X" and it could be anything less than "4X". On this condition, the respondents have agreed to receive the amount "2X" with interest. All contentions are requested to be kept open

to be decided by the LAR Court.

10 In view of the above, all these Writ Petitions are partly allowed. The impugned compromise awards are quashed and set aside and all the LAR proceedings stand remitted to the concerned LAR Courts with the following directions :-

- (a) In cases where the entire decreetal amounts are deposited, the respondents/ claimants in those cases, who have not withdrawn the said amounts till today, would be entitled to withdraw the amount equivalent to "2X" (i.e. the amount granted by the Special Land Acquisition Officer multiplied by two) and the statutory interest component as strictly prescribed by the statute.
- (b) In cases where the entire decreetal amounts have been deposited by the petitioner before the LAR Courts and if the said amounts have been withdrawn by the concerned respondents/ claimants, the said withdrawal shall be subject to the result of the LAR proceedings.
- (c) In cases where no decreetal amount has been deposited by the petitioner before the LAR Courts, such amount "X" plus "X" equal to "2X" along with statutory mandated interest component shall be deposited by the petitioner before the concerned LAR Court on or before 31.01.2020.

- (d) After the amounts are deposited, the respondents/ claimants would be permitted to withdraw the amounts equal to "2X" plus statutory interest component, by tendering an affidavit undertaking that if they are held disentitled for a particular portion of the amount that they have withdrawn, they would refund the said amount by depositing it in the LAR Court within eight weeks from the date of any adverse judgment from the LAR Court, without interest. If the amounts are not deposited within eight weeks, the amounts shall carry interest at the rate of 4% per annum.
- (e) The LAR Courts shall decide the pending LAR proceedings expeditiously and in any case on or before 15.06.2020.
- (f) Needless to state, if a proper procedure is followed for placing the LAR proceedings again in the Lok Adalat , the Lok Adalat panel shall scrupulously probe into the matter to find out as to whether, the entire procedure has been followed and whether, the acquiring body is represented by an authorized competent officer, who is empowered to settle the matter and thereafter, may take an appropriate decision in the Lok Adalat proceedings.