

**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**

120 FIRST APPEAL NO.2904 OF 2018

THE EX. ENGINEER, IRRIGATION PROJECT STRENGTHENING DIVISION,
OMERGA THE MPD OSMAN

VERSUS

BABU @ BABURAO GANPATI JADHAV AND ANR

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Advocate for Appellant : Mr. Patil Ruturaj C.
Advocate for the respondents-claimants: Mr. L.C. Patil

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(01)

O R D E R

1. Shri Nitin Prabhakar Ambure, Executive Engineer, Osmanabad Medium Project Division, Osmanabad is present in person. Mr. Ruturaj Patil, learned counsel appearing 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 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. Ruturaj Patil, learned counsel for the appellant-acquiring body, on instructions, submits that the appellant State has not deposited the amount in terms of the enhanced rate of award passed by the reference court. Learned counsel 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, failing which the said amount, as per the award, shall carry the 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. The first appeal is disposed of as withdrawn.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 respondents-original 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 waive the payment of interest awarded under Sections 28 and 34 of the Land Acquisition Act 1894, 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/