

IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SMT.JUSTICE S. D. KULKARNI
HELD ON 08TH FEBRUARY, 2020,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE
AT AURANGABAD

81 FIRST APPEAL NO.1402 OF 2019

. . .

THE STATE OF MAHARASHTRA AND ANR

VERSUS

MANIK HARI SHINDE DEAD THR LRS BHAGWAN AND ORS

. . .

AGP for Appellant/State : Mr.A.M.Phule

Advocate for Respondents : Mr.V.V.Bhavthankar h/f

Mr.S.S.Shinde

. . .

O R D E R

1. The learned A.G.P. for appellant/State Mr.A.M.Phule, Mr.Jeevan Desai, Deputy Collector (Land Acquisition), Latur are present. The learned Advocate for respondents/claimants Mr.V.V.Bhavthankar h/f Mr.S.S.Shinde is also present.

2. It is submitted by both sides that the enhancement in the compensation that has been awarded by the reference Court is within four times of the compensation given by the

Special Land Acquisition Officer and, therefore, this matter is also squarely covered by Government Resolution dated 03rd November, 2016 read with subsequent corrigendum dated 23rd February, 2017 and 13th August, 2018.

3. Parties have agreed that the interest under Section 28 and 34 of the Land Acquisition Act, that can be awarded on the compensation, will have to be governed by the ratio in State of Maharashtra Vs. Kailash Shiva Rangari [2016(4) ALL MR 513 (F.B.)] and, therefore, with the same modification, the Government is withdrawing the Appeal to which the claimants have no objection. As such this appeal is disposed of with modification in the award to the extent of interest as aforesaid. The Court Fee Refund Certificate be issued as per the rules in favour of appellant. Civil applications, if any, also stand disposed of accordingly.

4. Mr.Desai made a statement that the State Government has deposited the amount of the compensation in the reference Court and same is lying. If there is any deficit amount, acquiring body shall calculate it and deposit within

six months from the date of this order without fail. The appellant/State has no objection to withdraw the same as per the modified award stated above.

(K.C.SANT)
Advocate
Member

(V.B.MANTRI)
District Judge
(Retd.)
Member

(S. D. KULKARNI,J.)
Head of the Panel

Date : 08/02/2020.
Place: Aurangabad.

SSTare