

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE SHRIKANT D. KULKARNI,
HELD ON 8TH FEBRUARY, 2020,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT
AURANGABAD**

PB Sr. Nos. 29, 30, 31, 32, 33, 34, 34.1, 34.2, 35, 35-A, 35-B and
35-C

29 X-OBJECTION (STAMP) NO.1788 OF 2014
IN FA/1346/2009

DIWAN NIMBA GIRASE

VERSUS

THE STATE OF MAHARASHTRA & OTHERS.

AND

30 X-OBJECTION (STAMP) NO.25002 OF 2016
IN FA/3099/2016

NARAYANSING TODARSING GIRASE AND ANR

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

31 X-OBJECTION (STAMP) NO.23417 OF 2018
IN FA/1269/2013

ANANDABAI ONKARSING GIRASE AND ANR

VERSUS

THE STATE OF MAHARASHTRA AND ANR

AND

32 X-OBJECTION (STAMP) NO.38751 OF 2019
IN FA/3031/2019

MANGA HAMBERSING GIRASE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

33 X-OBJECTION (STAMP) NO.38835 OF 2019
IN FA/1675/2010

MANGALSINGH ADHARSINGH GIRASE AND ORS

VERSUS

THE SPECIAL LAND ACQUISITION OFFICER, MEDIUM
IRRIGATION PROJECT, DHULE ORS

AND

34 X-OBJECTION (STAMP) NO.40243 OF 2019
IN FA/3931/2019 WITH X-OBJST/40242/2019 IN FA/3932/2019
WITH X-OBJST/40244/2019 IN FA NO. 3937 OF 2019

RAVINDRASING GULABSING GIRASE

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND

35 X-OBJECTION (STAMP) NO.40628 OF 2019
IN FA/996/2019

CHANDRASING BANDU GIRASE AND ANR

VERSUS

THE STATE OF MAHARASHTRA AND ORS

AND
FIRST APPEAL NO. 996 OF 2019

EXECUTIVE ENGINEER, MEDIUM PROJECT,
DIVN. NO. 1, DHULE

VERSUS

CHANDARSING BANDU GIRASE

AND
FIRST APPEAL NO. 987 OF 2019
(35-A - Not on Board. Taken on Board)

EXECUTIVE ENGINEER, MEDIUM PROJECT,
DIVN. NO. 1, DHULE

VERSUS

BHIKABAI CHANDRASING GIRASE

AND
FIRST APPEAL NO. 934 OF 2010
(35-B- Not on Board. Taken on Board)

EXECUTIVE ENGINEER, MEDIUM PROJECT,
DIVN. NO. 1, DHULE

VERSUS

INDUBAI GANGARAM SUTAR (DIED)
LRS.

AND
FIRST APPEAL NO. 556 OF 2009
(35-C- Not on Board. Taken on Board)

INDARSING DALPATSING GIRASE

VERSUS

THE STATE OF MAHARASHTRA AND ANR.

ORDER

1. Mr A.B. Kale, Learned Counsel for the Appellants/claimants, Mr Devendra Dinanath Joshi, Executive Engineer, Dhule Medium Project, Dhule Division, Dhule, Mr Pramod Bhamre, Special Land Acquisition Officer, Dhule, Mr S.S. Dande, AGP for State and Mr A.D. Pawar, Advocate for for Acquiring Body are present.
2. All these appeals are arising out of the acquisitions made for Wadishewadi Medium Project, Tal. Sindhkheda, Dist. Dhule. The lands in these matters involved are from village Wadi.
3. The present appeals are filed by the Acquiring Body, thereby, challenging the Judgment and Award passed by the Reference Court.
4. The original claimants have also filed the cross objections, seeking enhancement in the amount of compensation. However, the cross objections are still on stamp numbers, but the same are part of compromise marked as 'X'.
5. The parties have submitted from compromise chart/statement stating therein as to how compromise is arrived at. The chart/statement of compromise is taken on record and marked as 'X' for identification.

6. Mr A.D. Pawar, the learned Counsel for Acquiring Body placed on record a copy of letter given by the Managing Director, Tapi Patbandhare Vikas Mahamandal, Jalgaon dated 5th July, 2018 to the effect that for the acquired lands of village Wadishewadi Medium Project, the Acquiring Body has agreed to enhance the compensation @ Rs. 2,00,000/- per hectare for non-irrigated land (Giryat lands) and @ Rs. 4,00,000/- per hectare for irrigated lands (Bagayat lands) with statutory benefits and accordingly, matters are settled. The copy of the said letter is taken on record and marked as 'Y' for identification.

7. The claimants are not present before the Panel but they are duly represented by their Advocate. Mr A.B. Kale, Advocate for the claimants/appellants undertakes to produce authority letters of the respective claimants within a period of two weeks from today.

8. In view of the terms of settlement arrived between the parties, the claimants would be entitled to get 30 % solatium and 12 % component on the settled amount and interest would be calculated thereon till December, 2018. Thereafter, the claimants would not be entitled to get interest till the date of actual payment.

9. The appeals and cross objections are accordingly disposed of.

10. The Civil Application/s if any, pending, also stands disposed of.

11. The Court fee refund certificate be issued as per the rules in favour of the appellants.

12. It is agreed between the parties that in view of decision in case of ***State of Maharashtra Vs Kailash Shiva Rangari reported in [2016 (4) ALL MR 513 (F.B.)]***, the claimants would be entitled to get interest under section 34 of the Land Acquisition Act from the date of award.

13. The respondents shall pay the above stated amount of compensation/settlement amount within a period of one year from the date of this order. In case of failure, the claimants shall be entitled to claim statutory interest thereon.

14. The amount shall be deposited with Reference Court within above mentioned period. The claimants are at liberty to withdraw the said amount.

(K. C. Sant)
Advocate
Member

(V.B. Mantri)
D.J.(Retd.)
Member

(Shrikant D. Kulkarni J.)
Head of the Panel

Date: 08.02.2020
mta