

IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE SHRIKANT D. KULKARNI,
HELD ON 12TH DECEMBER, 2020,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT
AURANGABAD

DB-1 FIRST APPEAL NO.1927 OF 2019

THE EXECUTIVE ENGINEER
LOWER DUDHANA PROJECT DIVISION SELU,
DISTRICT PARBHANI ... APPELLANT

VERSUS

AZMAT MOHOMMUDDIN DESHMUKH
AND OTHERS RESPONDENTS

WITH
FIRST APPEAL NO.1929 OF 2019
WITH
CA/15890/2010 IN FA/1927/2019
WITH
CA/15876/2010 IN FA/1928/2019
WITH
FA/1933/2019
WITH
CA/15878/2010 IN FA/1929/2019
WITH
CA/15880/2010 IN FA/1930/2019
WITH
CA/15886/2010 IN FA/1933/2019
WITH
FA/1928/2019
WITH
CA/15888/2010 IN FA/1934/2019
WITH
FA/1931/2019
WITH
FA/1930/2019
WITH
FA/1932/2019
WITH
FA 1934/2019

.....
Counsel for appellant : Mr. Anand Chawre
Counsel for respondent No.1 : Mr. K. B. Jadhav
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ORDER

1. These appeals are placed before us in today's National Lok-Adalat. Mr. Prashant Bhaskarrao Jadhav, Executive Engineer, Jalna, Lower Dudhana Project, Division, Selu is present. Mr K. B. Jadhav, learned advocate for original claimants, is present.

2. The appellant has placed on record withdrawal pursis. The appellant does not want to prosecute the appeals and intends to withdraw the same, in view of the Government Resolution dated 3rd November, 2016 and subsequent corrigendum dated 23rd February, 2017 and 13th August, 2018 since the compensation awarded by the reference court is well within the parameters contained in above Resolution. Consequently, appellants are withdrawing the appeals.

3. The withdrawal pursis are taken on record and marked as Art. 'X' for identification. Mr. K. B. Jadhav, learned advocate for the respondents/original claimants submits that he has no objection to withdraw the appeals.

4. So far as the interest under Section 28 and 34 of the Land Acquisition Act is concerned, the claimants are entitled for the interest from the date of award according to the Full Bench decision reported in **2016 (4) ALL MR 513 (F.B.) State of Maharashtra Vs. Kailash Shiva Rangari and 2018 (1) ALL MR 645 The State of Maharashtra Vs. Ramesh Tukaram Meshram and Anr.**

5. In view of the reported judgment (supra), the Registry is

directed to modify the award and interest be paid from the date of award passed by the Special Land Acquisition Officer under Section 11 of the old Land Acquisition Act and excess amount, if any, deposited by the acquiring body regarding interest be refunded to the acquiring body by account payee cheque after modification of the award.

6. The court fee refund certificate be issued to the appellant as per rules.

7. The Registry is directed to make payment of compensation to the original claimant, which has been deposited by the appellant in this Court, however, after necessary calculations and modification of the award.

8. The appeals stand disposed of as withdrawn. Parties to bear their own cost.

9 Civil application/s, if any, stand/s disposed of.

(S. P. Brahme)
Advocate
Member

(S. G. Shete)
District Judge(Retd.)
Member

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

Date: 12.12.2020

mta