

**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**

PB-217 FIRST APPEAL NO.165 OF 2017

**THE GODAVARI MARATHWADA IRRIGATIONS
DEVELOPMENT CORPORATION,
AURANGABAD AND OTHERS ... APPELLANTS**

VERSUS

**YAMUNABAI BAJIRAO MHASKE (DEAD)
THROUGH LRS DEVIDAS AND ANOTHER ... RESPONDENTS**

.....
Counsel for appellants : Mr. P. R. Tandale
Counsel for respondents No.1 & 2 : Mr. A. H. Koralkar
...

ORDER

1. This appeal is placed before us in today's National Lok-Adalat. Mr.Prashant Bhaskarrao Jadhav, Executive Engineer, Jalna, Lower Dudhana Project, Division, Selu is present. Mr. P. R. Tandale, learned advocate for the appellant and Mr. A. H. Koralkar, learned advocate for respondent No.1, Mr. A. M. Phule, AGP for State, are present.

2. The appellants have placed on record withdrawal pursis. The appellants do not want to prosecute the appeal and intend to withdraw the same.

3. 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.

4. The withdrawal pursis is taken on record and marked as Art. 'X' for identification. Mr. A. H. Koralkar, learned advocate for the respondents/original claimants submits that he has no objection to withdraw the appeals.

5. 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 Judgment reported in **2016 (4) ALL MR 513 (F.B.) State of Maharashtra Vs. Kailash Shiva Rangari, and 2018 (1) ALL MR 645 State of Maharashtra Vs. Ramesh Tukaram Meshram and Anr.**

6. In view of the judgment cited supra, the Registry is directed to modify the award and interest to 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.

7. The court fee refund certificate be issued to the appellant/acquiring body as per rules.

8. The Registry is directed to make payment of compensation to the original claimants, which has been deposited by the appellants, however, after necessary calculations and modification of the award.

9. The appeal stands disposed of as withdrawn.
10. 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