

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1578 OF 2020

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GODAVARI MARATHWADA IRRIGATION
DEVELOPMENT CORPORATION AURANGABAD

VERSUS

MAROTI GOVIND JADHAV AND ANOTHER

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Advocate for Petitioner : Shri Katneshwarkar P.R.

h/f Shri Bhalerao S.G.

AGP for Respondents: Shri Bhagat N.T.

Advocate for Respondents : Shri Hange R.G. and Shri Khade K.D.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: February 27, 2020

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PER COURT :-

1. By the order of this Court dated 27.1.2020, the respondents have been served through paper publication in Marathi Daily Sakal and Daily Zunjar Neta, Beed edition.
2. I have considered the submissions of the learned Advocates for the respective sides and have perused the order dated 22.11.2019, passed by this Court in identical Writ Petition Nos.12906 to 13142 of 2019, involving the same acquiring authority and identically placed claimants whose lands have been acquired for a public purpose.
3. In view of the above, for the reasons assigned in the order dated 22.11.2019, there is no reason for this Court to consider taking a different view.
4. After substantial hearing in this matter, the learned advocate for the petitioner/ acquiring body, having obtained instructions, submits that the Special Land Acquisition Officer has granted specific amounts of compensation to the respondents/ claimants. Thereafter, the respondents have approached the Land Acquisition Reference Courts (LAR Court) in Beed district. In the Lok-Adalat, the compromise amounts have been enhanced in between four (04) times to twenty (20) times.

5. After much deliberations and upon instructions, the learned advocate for the petitioner/ acquiring body submits that the amount granted by the Special Land Acquisition Officer may be taken as "X". The petitioner is willing to double the said amount "X" thereby making it "2X". The interest at the rate of 15% per annum on the amount "2X" is also approved. These amounts shall be deposited before the LAR Courts with respect to each respondent/ claimant.

6. He then submits that the decretal amount has already been deposited in the LAR Courts in some cases and has accumulated interest. The petitioner would add the amount "X" to the decretal amount already deposited thereby, making it "X plus decretal amount". The interest that has accumulated and 15% interest on the amount "X", since it was not deposited, will be added.

7. He submits that in some cases, the respondents/ claimants have withdrawn the entire amount that has been deposited by the petitioner.

8. It is then submitted that these respondents/ claimants may be allowed to withdraw the above stated amounts, if not already withdrawn. The amounts, which are required to be deposited before the LAR Courts by the petitioner, would be deposited on or before

30.4.2020 and by tendering an affidavit undertaking, these respondents/ claimants/ farmers can withdraw the said amounts viz. "2X plus interest". The LAR proceedings be restored and may be decided within a particular time frame.

9. The respondents have appeared on notice being published in daily "Sakal" and daily "Zunjar Neta", Beed editions.

10. The learned advocates appearing for the respondents/ claimants/ farmers submit that the State has taken a policy decision that it would not prefer any appeal against the judgment of the LAR Court only if the enhancement is upto four times of the amount granted by the Special Land Acquisition Officer, which is "X". They, therefore, urge that the petitioner be directed to deposit the amount "4X". However, the petitioner is not agreeable to the said contention as the LAR Court may not necessarily grant the amount upto "4X" and it could be anything less than "4X". On this condition, the respondents have agreed to receive the amount "2X" with interest. All contentions are requested to be kept open to be decided by the LAR Court.

11. In view of the above, all these Writ Petitions are partly allowed. The impugned compromise awards are quashed and set

aside and all the LAR proceedings stand remitted to the concerned LAR Courts with the following directions :-

(A) In cases where the entire decreetal amounts are deposited, the respondents/ claimants in those cases, who have not withdrawn the said amounts till today, would be entitled to withdraw the amount equivalent to "2X" (i.e. the amount granted by the Special Land Acquisition Officer multiplied by two) and the statutory interest component as strictly prescribed by the statute.

(B) In cases where the entire decreetal amounts have been deposited by the petitioner before the LAR Courts and if the said amounts have been withdrawn by the concerned respondents/ claimants, the said withdrawal shall be subject to the result of the LAR proceedings.

(C) In cases where no decreetal amount has been deposited by the petitioner before the LAR Courts, such amount "X" plus "X" equal to "2X" along with statutory mandated interest component shall be deposited by the petitioner before the concerned LAR Court on or before 30.4.2020.

(D) After the amounts are deposited, the respondents/ claimants would be permitted to withdraw the amounts equal to "2X" plus statutory interest component, by tendering an affidavit undertaking that if they are held disentitled for a particular portion of the amount that they have withdrawn, they would refund the said amount by depositing it in the LAR Court within eight weeks from the date of any adverse

judgment from the LAR Court, without interest. If the amounts are not deposited within eight weeks, the amounts shall carry interest at the rate of 4% per annum.

(E) The LAR Courts shall decide the pending LAR proceedings expeditiously and in any case on or before 31.12.2020.

(F) Needless to state, if a proper procedure is followed for placing the LAR proceedings again in the Lok Adalat , the Lok Adalat panel shall scrupulously probe into the matter to find out as to whether, the entire procedure has been followed and whether, the acquiring body is represented by an authorized competent officer, who is empowered to settle the matter and thereafter, may take an appropriate decision in the Lok Adalat proceedings.

(G) In the event any claimant has passed away in the interregnum, the petitioner / acquiring body and/or the L.Rs. of the claimant, would be at liberty to move an application before the LAR Courts for bringing the L.Rs. on record. In the event any claimant has received the entire compensation amount pursuant to the Lok Adalat order, which is set aside and has subsequently passed away, the terms of this order shall equally bind the L.Rs. of such deceased claimant.

(RAVINDRA V. GHUGE, J.)

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