

IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE R.N. LADDHA,
HELD ON 1st AUGUST, 2021
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE AT
AURANGABAD

1 FIRST APPEAL NO.29 OF 2005
WITH FA/30/2005 WITH CA/3480/2004 IN FA/29/2005 WITH
CA/3482/2004 IN FA/30/2005

STATE OF MAHARASHTRA
VERSUS
JIJABAI BHAURAO KODALE

...
AGP for Appellant : Mr. A.M. Phule/Mr. S.S. Dande
Mr. P.G. Mulay, Deputy Collector, Ahemadpur, District Latur for
Acquiring Body/State
Advocate for Respondents : Mr. A.B. Tele

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5 FIRST APPEAL NO.990 OF 2008
WITH FA/991/2008 WITH FA/992/2008

STATE OF MAHARASHTRA
VERSUS
RAM @ RAMRAO IRAPPA

...
AGP for Appellant : Mr. A.M. Phule/Mr. S.S. Dande
Advocate for Respondents : Mr. P.G. Gunale

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7 FIRST APPEAL NO.1664 OF 2008
WITH FA/1663/2008 WITH FA/1665/2008 WITH FA/1666/2008
WITH FA/1667/2008 WITH FA/1668/2008 WITH FA/1670/2008
WITH FA/1671/2008 WITH FA/1672/2008 WITH FA/1673/2008

STATE OF MAHARASHTRA
VERSUS
KASHIBAI MAHADEO WAGARE

...
AGP for Appellant : Mr. A.M. Phule/Mr. S.S. Dande
Mr. B.M. Thorat, Executive Engineer, P.W.D. Latur for Acquiring
Body/State
Advocate for Respondents : Mr. P.P. More

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8 FIRST APPEAL NO.1855 OF 2008
WITH FA/1854/2008

STATE OF MAHARASHTRA
VERSUS
RAM VENKAT JAGTAP DIED LRS and ORS

...
AGP for Appellant : Mr. A.M. Phule/Mr. S.S. Dande
Advocate for Respondents 1 to 7 : Mr. S.P. Urgunde

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9 FIRST APPEAL NO.1897 OF 2008

STATE OF MAHARASHTRA THR COLLECTOR, LATUR
VERSUS
BHIMRAO KONDIBA GANGTHADE

...
AGP for Appellant : Mr. A.M. Phule/Mr. S.S. Dande
Mr. P.G. Mulay, Deputy Collector, Ahemadpur, District Latur for
Acquiring Body/State
Advocate for Respondents : Mr. S.S. Pawar

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10 FIRST APPEAL NO.1968 OF 2008

STATE OF MAHARASHTRA
VERSUS
IRANTAPPA BHUJANGRAO WADIKAR

...
AGP for Appellant : Mr. A.M. Phule/Mr. S.S. Dande
Mr. P.G. Mulay, Deputy Collector, Ahemadpur, District Latur for
Acquiring Body/State
Advocate for Respondent 3 : Mr. N.P. Patil

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12 FIRST APPEAL NO.2214 OF 2008

STATE OF MAHARASHTRA
VERSUS
ANUSAYABAI BANDIAPPA BIRADAR

...
AGP for Respondents : Mr. A. M. Phule/Mr. S.S. Dande.
Advocate for Respondents : Mr. V. T. Sakolkar

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13 FIRST APPEAL NO.2216 OF 2008

STATE OF MAHARASHTRA
VERSUS
TREMBAK BIRAJDAR DIED LRS TANAJI TREMBAK BIRAJDAR

...

AGP for Respondents : Mr. A. M. Phule/Mr. S.S. Dande
Advocate for Respondents : Mr. V. T. Sakolkar

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15 FIRST APPEAL NO.2219 OF 2008

STATE OF MAHARASHTRA
VERSUS
VITHAL MAROTI BHOSALE

...

AGP for Appellant : Mr. A.M. Phule/Mr. S.S. Dande
Advocate for Respondents : Mr. P.G. Rodge

...

16 FIRST APPEAL NO.2223 OF 2008

STATE OF MAHARASHTRA
VERSUS
VISHWANATH BAJRANG BURANDE

...

AGP for Appellant : Mr. A.M. Ghule/Mr. S.S. Dande
Advocate for Respondents : Mr. V. T. Sakolkar

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18 FIRST APPEAL NO.2433 OF 2008

STATE OF MAHARASHTRA
VERSUS
CHANDRABHAN DHONDIBA MANE

...

AGP for Appellant : Mr. A.M. Phule/Mr. S.S. Dande
Advocate for respondent : Mr. P.M. Janapurkar

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19 FIRST APPEAL NO.2487 OF 2008
WITH FA/2489/2008 WITH FA/2491/2008 WITH FA/2492/2008
WITH FA/2488/2008 WITH FA/2490/2008 WITH FA/2493/2008

THE STATE OF MAHARASHTRA and ORS
VERSUS
GANGARAM VITHAL KAMBLE

...

AGP for Appellants : Mr. A.M. Phule/Mr. S.S. Dande
Advocate for Respondents : Mr. Anurag Sakolkar h/f. Mr. Vijay
Sakolkar, Mr. S.S. Halkude

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21 FIRST APPEAL NO.2515 OF 2008

WITH FA/2526/2008 WITH FA/2525/2008 WITH FA/2517/2008
WITH FA/2519/2008 WITH FA/2520/2008 WITH FA/2521/2008
WITH FA/2522/2008 WITH FA/2523/2008 WITH FA/2524/2008

STATE OF MAHARASHTRA
VERSUS
PRAKASH BABURAO BEMBDE and ORS

...

AGP for Respondents : Mr. A. M. Phule/Mr. S.S. Dande
Mr. P.G. Mulay, Deputy Collector, Ahemadpur, District Latur for
Acquiring Body/State
Advocate for respective Respondents : Mr. H. V. Patil, Mr. R.K.
Ashtekar

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23 FIRST APPEAL NO.2610 OF 2008
WITH FA/2614/2008

STATE OF MAHARASHTRA
VERSUS
NARSING ARJUN KOLI

...

AGP for Appellant : Mr. A. M. Phule/Mr. S.S. Dande.
Mr. P.G. Mulay, Deputy Collector, Ahemadpur, District Latur for
Acquiring Body/State
Advocate for respondent No. 1 : Mr. S.S. Manale

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24 FIRST APPEAL NO.2734 OF 2008
WITH CA/9820/2005 IN FA/2736/2008 WITH FA/2735/2008 WITH
CA/9816/2005 IN FA/2735/2008 WITH FA/2736/2008

STATE OF MAHARASHTRA THROUGH COLLECTOR LATUR and ANR
VERSUS
SHANKARRAO VENKOBA KALE

...

AGP for Appellant : Mr. A.M. Phule/Mr. S.S. Dande
Mr. B.M. Thorat, Executive Engineer, P.W.D. Latur for Acquiring
Body/State
Advocate for Respondents : Mr. V.D. Gunale & Mr. S.V. Warad

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26 FIRST APPEAL NO.4196 OF 2008
WITH FA/4202/2008 WITH FA/4197/2008 WITH FA/4199/2008
WITH FA/4200/2008 WITH FA/4201/2008 WITH FA/4198/2008

THE STATE OF MAHARASHTRA AND ORS

VERSUS
HANMANT PRABHU MANE

...

AGP for Appellant : Mr. A.M. Phule/Mr. S.S. Dande
Advocate for Respondents : Mr. A.B. Kadethankar

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28 FIRST APPEAL NO.197 OF 2009
WITH FA/198/2009

THE STATE OF MAHARASHTRA AND ORS
VERSUS
BABURAO SITARAM KENDRE

...

AGP for Appellants : Mr. A.M. Phule/Mr. S.S. Dande
Advocate for Respondents : Mr. B. R. Kedar

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31 FIRST APPEAL NO.461 OF 2009

THE STATE OF MAHARASHTRA
VERSUS
PANCHPHULABAI BAPURAO SONTAKKE

...

AGP for Appellants : Mr. A.M. Phule/Mr. S.S. Dande
Advocate for Respondents : Mr. Anurag Sakolkar h/f. Mr. V.G.
Sakolkar

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32 FIRST APPEAL NO.479 OF 2009
WITH FA/482/2009 WITH FA/483/2009 WITH FA/480/2009 WITH
FA/481/2009

STATE OF MAHARASHTRA THR COLLECTOR LATUR and ANR
VERSUS
GANPATI SHANKARRAO BHANDE

...

AGP for Appellants : Mr. A.M. Phule/Mr. S.S. Dande
Advocate for respective Respondents : Mr. P.G. Gunale, Mr. H.V.
Patil

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36 FIRST APPEAL NO.1885 OF 2009
WITH FA/1887/2009 WITH FA/1888/2009 WITH FA/1890/2009
WITH FA/1886/2009 WITH FA/1893/2009 WITH FA/1892/2009
WITH FA/1891/2009

THE STATE OF MAHARASHTRA AND ANR

VERSUS
DNYANOBA BAPURAO YENGE

...

AGP for Appellants : Mr. A.M. Phule/Mr. S.S. Dande
Advocate for Respondents : Mr. Anurag Sakolkar h/f. Mr. V.G.
Sakolkar

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37 FIRST APPEAL NO.1945 OF 2009
WITH FA/1952/2009 WITH FA/1946/2009 WITH FA/1947/2009
WITH FA/1948/2009 WITH FA/1949/2009 WITH FA/1950/2009
WITH FA/1951/2009

THE STATE OF MAHARASHTRA
VERSUS
SUMANBAI HARIBHAU JADHAV

...

AGP for Appellants : Mr. A.M. Phule/Mr. S.S. Dande
Mr. P.G. Mulay, Deputy Collector, Ahemadpur, District Latur for
Acquiring Body/State
Advocate for Respondents : Mr. S.S. Shinde

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38 FIRST APPEAL NO.1969 OF 2009

THE STATE OF MAHARASHTRA AND ANR
VERSUS
TRIVENABAI BABRUWAN SURYAWANSHI

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AGP for Appellant : Mr. A.M. Phule/Mr. S.S. Dande
Mr. B.M. Thorat, Executive Engineer, P.W.D. Latur for Acquiring
Body/State
Advocate for Respondents : Mr. M.S. Patil

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39 FIRST APPEAL NO.1970 OF 2009

THE STATE OF MAHARASHTRA AND ANR
VERSUS
BALAJI NIVRUTI BARBOLE

...

AGP for Appellant : Mr. A.M. Phule/Mr. S.S. Dande
Advocate for Respondents : Mr. M.S. Patil

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40 FIRST APPEAL NO.1991 OF 2009
WITH CA/11421/2008 IN FA/1992/2009 WITH CA/11423/2008 IN
FA/1991/2009 WITH FA/1992/2009

STATE OF MAHARASHTRA
VERSUS
VENKAT SHANKAR JAGTAP

...
AGP for Appellants : Mr. A.M. Phule/Mr. S.S. Dande
Advocate for Respondents : Mr. G.K. Sontakke
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ORDER

. These appeals are placed before today's Lok Adalat with the consent of the parties.

2. Mr. A.M. Phule/Mr. S.S. Dande, learned A.G.Ps for State, Mr. P.G. Mulay, Deputy Collector, Ahmedpur, District Latur and Mr. B.M. Thorat, Executive Engineer, P.W.D. Latur are present on behalf of Acquiring Body/State. The claimants are represented by their respective Advocates.

3. The learned Advocates for the Acquiring Body/State and the claimants fairly conceded that the Government of Maharashtra, vide Government Resolution No.Sankirna-2014/pa.kra.4/Bham-1/A-4, dated 3rd November, 2016 with Government Corrigendums dated 23rd February, 2017 and 13th August, 2018 to the said Government Resolution, took decision to settle the appeals by accepting the market rates determined by the Reference Court, which are within the parameters set out in the Government Resolution. The statement made by the both the learned advocates is in consonance with the recitals in the Government Resolution. In turn, these appeals are fit to dispose of before the Lok Adalat.

4. The learned Advocates for both the parties further submit

that as far as the interest U/s. 28 and 34 of the Land Acquisition Act, 1894 (for short "Act") awarded by the SLAO as well as Reference Court shall be as per verdict by the Full Bench in the case of State of Maharashtra vs. Kailash Shiva Rangari, 2016 (4) ALL MR 513 and the Hon'ble Single Judge in the case of State of Maharashtra vs. Ramesh Tukaram Meshram – 2018 (1) ALL MR 645. In turn, they submit that the impugned Award may be modified to that extent as far as interest is concerned.

5. Having considered the legal position ruled in both the aforesaid judgments, the impugned Award/s stands modified. The interest shall be calculated, if required, as per these two judgments.

6. The Acquiring Body/State shall deposit the amount of compensation as per modified Award within six months from the date of this order. The learned advocates for both the parties further submit fairly that the amount shall not carry interest which would be deposited within period of six months. The statement is accepted. However, it is clarified, if the amount is deposited after six months, then it shall carry the interest in terms of Section 28 or 34 of the Act, as the case may be.

7. The learned advocates for both the parties further made submission on the point of amount deposited. As far as the amount, if any, already deposited and withdrawn fully by the parties, then nothing survives in respect of said amount.

8. The amount deposited in this Court and not withdrawn or which would be deposited in terms of this compromise, be

transmitted to the concerned Reference Court with further directions to disburse the said amount to the claimants in the terms of this Award and excess amount, if any, to the Acquiring Body.

9. The applicants are at liberty to make appropriate application for withdrawal before the reference Court. If the amount in terms of compromise above is not deposited within six months, the claimants are at liberty to file Execution Proceeding before the Reference Court.

10. The bank guarantee / security / surety, if any, given by the claimants be released in favour of the claimants.

11. The appeals stand disposed of. The Award be prepared in terms of this order.

12. The Civil Applications, if any, except the application to bring on record legal heirs and the cross objections, stand disposed of.

13. The Court Fee Certificate be issued as per the Rules.

(K. C. Sant)
Advocate
Member

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

(R.N. LADDHA, J.)
Head of the Panel

Date: 01.08.2021.
Place: Aurangabad.

ssc/