

**IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE R. N. LADDHA,
HELD ON 01.08.2021,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE
AT AURANGABAD**

FIRST APPEAL NO.4383 OF 2008

THE STATE OF MAHARASHTRA THROUGH COLLECTOR, NANDED
VERSUS
SUBHAS S/O TULSHIRAM KADAM

...
AGP for Appellant : Mr. A. M. Phule / Mr. S. S. Dande
Mr. P. S. Boragaonkar, Sub Divisional Officer, Kandhar for Acquiring
Body / State

ORDER

1. This appeal is placed before today's Lok Adalat with the consent of the parties.

2. Mr. A. M. Phule / Mr. S. S. Dande, learned AGP for the appellant / State submitted 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 appeal by accepting the market rates determined by the Reference Court, which are within parameters set out in the Government Resolution. The statement made by the learned AGP is in consonance with the recitals in the Government Resolution. In turn, these appeals are fit to dispose of before the Lok Adalat.

3. The learned Advocate for appellant further submits 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.

4. The learned AGP for the State submits that amount in this appeal has been deposited and later on withdrawn by the original claimants by obtaining orders from this Court. He further submits that after modification of award, if partial payment is required to be made by the appellant in the light of preposition of law in the case of **Kailash Rangari & Ramesh Meshram (supra)**, they shall deposit within six months from today and original claimants / respondents are at liberty to withdraw it. The statement is accepted. The appellant shall deposit the amount, if any, if required, within six months from today and claimants are at liberty to withdraw it.

5. Having considered the legal position ruled in both the aforesaid judgments, the impugned Award/s may be modified, if required, in the tune of judgment in the case of **Kailash Rangari (supra)**.

6. The amount deposited, if any, in this Court or which would be deposited, if required, be transmitted to the concerned Reference Court with further directions to disburse the said amount to the claimants and excess amount, if any, to the Acquiring Body / State of Maharashtra. If original claimants are entitled to any amount in the light of this order and if it is not

deposited as ordered above, they are at liberty to file execution proceeding.

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

8. The appeal stands disposed of as withdrawn. The Award be prepared in terms of this order.

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

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

(K. C. SANT)
Advocate,
Member

(V. B. MANTRI)
D.J. (Retd.),
Member

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

SVH