

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7357 OF 2020

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Ramprasad Wamanrao Surwase
and anr. ..Respondents

**AND
WRIT PETITION NO.7515 OF 2020**

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Annabhau Sahebrao Ubale
and ors. ..Respondents

WRIT PETITION NO.5330 OF 2020

Godavari Marathwada Irrigation
Development Corporation, Aurangabad,
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Kundlik Daulatrao Talekar and anr. ..Respondents

**AND
WRIT PETITION NO.7516 OF 2020**

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Machindra Pandurang Dubale
and ors. ..Respondents

**AND
WRIT PETITION NO.7517 OF 2020**

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Chandrakant Dhondiram
and anr. ..Respondents

**AND
WRIT PETITION NO.7518 OF 2020**

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Sainath Pandurang Talekar,
u/g. of Gangubai Pandurang Talekar
and ors. ..Respondents

**AND
WRIT PETITION NO.7519 OF 2020**

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Abhiman Shriram Lande
and ors. ..Respondents

**AND
WRIT PETITION NO.7520 OF 2020**

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Navnath Ashruba Dubale
and ors. ..Respondents

**AND
WRIT PETITION NO.7521 OF 2020**

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Kisan Dnyanoba Kadam and anr. ..Respondents

**AND
WRIT PETITION NO.7522 OF 2020**

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner
Vs.

Raosaheb Nagorao Lande
and anr. ..Respondents

**AND
WRIT PETITION NO.7523 OF 2020**

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner
Vs.

Harishchandra Apparao Thote,
died through L.Rs.
Rohidas Harishchandra Thote
and anr. ..Respondents

**AND
WRIT PETITION NO.7524 OF 2020**

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner
Vs.

Ramesh Rangnath Kurund
and ors. ..Respondents

**AND
WRIT PETITION NO.7525 OF 2020**

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Ranjit Ramchandra Talekar
and ors. ..Respondents

**AND
WRIT PETITION NO.7526 OF 2020**

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Pandit Nagorao Lande
and anr. ..Respondents

**AND
WRIT PETITION NO.7527 OF 2020**

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Vishvanath Dadasaheb Lande
and anr. ..Respondents

AND
WRIT PETITION NO.7528 OF 2020

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Bhagvan Vishvanath Nande,
died through L.Rs.
Rameshwar Bhagvan Nande
and ors. ..Respondents

AND
WRIT PETITION NO.7529 OF 2020

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Sandip Ramprasad Surwase,
u/g. of Sunita Ramprasad Surwase
and anr. ..Respondents

AND
WRIT PETITION NO.7530 OF 2020

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed ..Petitioner

Vs.

Sanjivani Mahadev Dubale
and anr.

..Respondents

AND
WRIT PETITION NO.7531 OF 2020

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed

..Petitioner

Vs.

Bankat Mahadev Andil and anr.

..Respondents

AND
WRIT PETITION NO.7532 OF 2020

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed

..Petitioner

Vs.

Kalyan Uttamrao Dubale
and ors

..Respondents

AND
WRIT PETITION NO.7533 OF 2020

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed

..Petitioner

Vs.

Rashid Naser Sayed
and anr.

..Respondents

AND
WRIT PETITION NO.7534 OF 2020

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed

..Petitioner

Vs.

Shalinibai Bhagwatrao Dubale
and anr.

..Respondents

AND
WRIT PETITION NO.7535 OF 2020

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed

..Petitioner

Vs.

Dadarao Sitaram Talekar
and anr.

..Respondents

AND
WRIT PETITION NO.7536 OF 2020

Godavari Marathwada Irrigation
Development Corporation, Aurangabad
Through Executive Engineer,
Beed Irrigation Division, Beed

..Petitioner

Vs.

Ganpat Keshav Devkar
and anr.

..Respondents

Mr.S.R.Bhalerao, Advocate for petitioners in all petitions

Mr.S.P.Tiwari, Advocate for respondent – State in all petitions

Mr.H.V.Tungar, Advocate for respondents (claimants) in Writ
Petition Nos.7516, 7517, 7519, 7520, 7521, 7522, 7523, 7524,
7526, 7527, 7528, 7530, 7531, 7532, 7534 and 7536 of 2020

Mr.V.P.Latange, Advocate for respondent no.3 in Writ Petition
No.7515 of 2020

Mr.R.G.Hange, Advocate for respondent no.1 Writ Petition
No.7529 of 2020

Mr.A.V.Thombre, Advocate for respondent nos.1 and 2 in Writ
Petition No.7518 of 2020, 7535 of 2020 and 7525 of 2020

CORAM : R.G. AVACHAT, J.
DATE : JANUARY 29, 2021

FINAL ORDER :-

The challenge in all these Writ Petitions is to the
awards passed by the Lok Adalat in Land Acquisition
References.

2. The petitioners in all these petitions is acquiring
body, which has acquired lands of the respondents/claimants
for irrigation project. The respondents/claimants, being

aggrieved by the compensation awarded by the Special Land Acquisition Officers (SLAO), filed Land Acquisition References (LARs) for enhancement of compensation amount. All the LARs under challenge in these Writ Petitions, were placed before the Lok Adalat without following the procedure contemplated under Section 20 of the Legal Services Authority Act, 1987. The petitioners/acquiring body was not ready and willing to compromise the LARs. The awards have been passed in breach of the State Government policy decision dated 03.11.2016. The interest rate awarded was against the dictum of the Full-Bench judgment of this Court. Memorandums of compromise have been signed by the respondents/claimants, their Advocates, AGPs, Deputy Collector (Land Acquisition) and in some matters, by Sub-Divisional Engineer. As per Section 15 of the Maharashtra Godavari Marathwada Irrigation Development Corporation Act, 1998, the Government authorities are not contesting party and hence, have no active role to enter into the compromise. The concerned Sub-Divisional Engineer did not have authority to sign the

compromise on behalf of the petitioners/acquiring body, without written permission of the petitioner/acquiring body. In Public Interest Litigation No.63 of 2019, the petitioners had filed its reply and made a statement that it would be filing Writ Petitions challenging the awards passed in the Lok Adalat. Hence, these petitions.

3. Heard learned Counsel appearing for the parties.

4. Learned counsel for the petitioners/acquiring body would submit that in view of the order dated 22.11.2019 passed by this Court in Writ Petition Nos.12906 of 2019 (Godavari Marathwada Irrigation Development Corporation, Aurangabad, through Executive Engineer Vs. Ashok Bajirao Ghule and ors.) and other connection petitions, present Writ Petitions need to be given similar treatment.

Learned Counsel for the respondents/claimants opposed the prayer.

5. I have also perused the order dated 27.02.2020 passed by this Court in Writ Petition No.1578 of 2020 (Godavari

Marathwada Irrigation Development Corporation, Aurangabad
Vs. Maroti Govind Jadhav and anr.) and a bunch of Writ
Petitions.

6. This Court has no reason to take a different view. Present Writ Petitions are, therefore, partly allowed. The awards impugned in all these Writ Petitions are quashed and set aside. All the LAR proceedings are remitted to the concerned LAR Courts with the following directions :-

- (A) In cases where the entire decretal amounts have been deposited, the respondents/claimants, who have not therefrom withdrawn the amounts, would be entitled to withdraw the amount equal to double the amount granted by the SLAO along with statutory interest component.
- (B) In cases where the entire decretal amounts have been deposited by the petitioner before the LAR Courts and if the said amounts have been withdrawn

by the respondents/claimants, such withdrawal shall be subject to the result of the LAR proceedings.

- (C) In cases where the decretal amounts have not been deposited before the LAR Courts, the petitioners/acquiring body shall deposit double the amount granted by the SLAO along with mandated interest component, before the LAR Courts, on or before 30.04.2021.
- (D) On deposit of the amount, the respondents/claimants would be permitted to withdraw the amount equal to double the amount granted by the SLAO, along with the statutory interest component by furnishing an undertaking on affidavit that they would return the amount received or part thereof to the LAR Courts within a period of eight weeks from the date of adverse order, if any, is passed by the LAR Court. In case of default, the amounts shall carry interest at the rate of 4% per annum.

- (E) The LAR proceedings are expected to be decided within a period of ten months from the date of receipt of copy of this order.
- (F) There shall be no bar to place the LAR proceedings before Lok Adalat.
- (G) In case the LAR proceedings are placed before the Lok Adalat, the authorities concerned would follow the mandatory procedure before arriving at a settlement.
- (H) If the original claimants are no more, their legal representatives are at liberty to come on record of the LAR proceedings.
- (I) The Writ Petitions stand disposed of.

[R.G. AVACHAT, J.]

KBP