

**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**

4 FIRST APPEAL NO.1755 OF 2007
WITH FA/1758/2007 WITH FA/1756/2007 WITH FA/1757/2007

STATE OF MAHARASHTRA
VERSUS
ANIL BALKRISHNA KULKARNI

...

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

...

14 FIRST APPEAL NO.2218 OF 2008

STATE OF MAHARASHTRA
VERSUS
SANGRAM BHAGWANRAO RODGE

...

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

...

17 FIRST APPEAL NO.2236 OF 2008

STATE OF MAHARASHTRA
VERSUS
SHESHRAO VENKATRAO KHATAKE

...

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

...

20 FIRST APPEAL NO.2494 OF 2008
WITH CA/15856/2016 IN X-OBJST/34648/2016

THE STATE OF MAHARASHTRA AND ANR
VERSUS
TUKARAM GANGARAM WADKAR

...

AGP for Appellants : Mr. A.M. Phule/Mr. S.S. Dande

...

27 FIRST APPEAL NO.4242 OF 2008
WITH FA/4243/2008 WITH FA/4244/2008 WITH FA/4245/2008
WITH FA/4246/2008

THE STATE OF MAHARASHTRA AND ANR
VERSUS
SHIVAJI MANIK MAGAR

...

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

...

29 FIRST APPEAL NO.451 OF 2009

STATE OF MAHARASHTRA
VERSUS
LAXMAN HANMANTRAO WADKAR

...

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

...

30 FIRST APPEAL NO.453 OF 2009

STATE OF MAHARASHTRA
VERSUS
LAXMAN HANMANTRAO WADKAR

...

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

...

33 FIRST APPEAL NO.1127 OF 2009

GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
VERSUS
BHAGWAN RAMCHANDRA WANGASKAR and ANR

...

Advocate for Appellants/Acquiring Body : Mr. S. G. Sangle
AGP for State : Mr. A.M. Phule/Mr. S.S. Dande

...

34 FIRST APPEAL NO.1128 OF 2009

GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
VERSUS

EKNATH VITHOBA WANGASKAR and ANR

...

Advocate for Appellants/Acquiring Body : Mr. S. G. Sangle

AGP for State : Mr. A.M. Phule/Mr. S.S. Dande

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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 AGPs for the appellant / State submitted that the Government of Maharashtra, vide Government Resolution No.Sankirna-2014/pra.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 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 these appeals 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 **Kailas 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 appeals stand 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)
District Judge
(Retd.)
Member

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

Date: 01.08.2021.
Place: Aurangabad.

ssc/