

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

901 WRIT PETITION NO.6168 OF 2022

THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
HINGOLI
VERSUS
BALAJI SITARAM GAROLE AND OTHERS

...
**WITH WP/6190/2022 WITH WP/6191/2022
WITH WP/6177/2022 WITH WP/6180/2022
WITH WP/6178/2022 WITH WP/6179/2022
WITH WP/6169/2022 WITH WP/6183/2022
WITH WP/6173/2022 WITH WP/6174/2022
WITH WP/6170/2022 WITH WP/6171/2022
WITH WP/6172/2022 WITH WP/6175/2022
WITH WP/6176/2022 WITH WP/6188/2022
WITH WP/6182/2022 WITH WP/6181/2022
WITH WP/6187/2022 WITH WP/6184/2022
WITH WP/6185/2022 WITH WP/6186/2022
WITH WP/6189/2022 WITH WP/6192/2022**

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Advocate for Petitioner : Shri Sudhir G. Bhalerao
AGP for Respondents-State : Shri K.B.Jadhavar
Advocate for Respondents - Claimants in WP/6168/2022 to
WP/6189/2022 & WP/6191/2022 - Claimants : Shri S.K. Adkine
Advocate for Respondent - Claimant WP/6190/2022 - Claimant :
Shri K.S.Patil h/f. Shri S.S.Chaudhari
Advocate for Respondent - Claimant in WP/6192/2022 :
Shri K.S.Patil h/f. Smt.Rekha Chaudhari (Mohale)

...
CORAM : M.G.SEWLIKAR, J.

DATE : 16th September, 2022

PER COURT :-

1. Heard.
2. Learned counsel for the petitioner submits that the award

passed in *Lok Adalat* under Section 20 of the Legal Services Authorities Act, 1987, is used as a basis for redetermination of compensation as contemplated under Section 28A of the Land Acquisition Act, 1894.

3. The question posed for decision before this Court is whether the award passed by the *Lok Adalat* under Section 20 of the Legal Services Authorities Act can form the basis for redetermination of compensation as contemplated under Section 28A of the Land Acquisition Act. This issue is no more *res integra*.

4. Learned counsel for the petitioner invited attention of this Court to a decision of this Court in Writ Petition No.8843 of 2017 and connected matters dated 18th February, 2022. This decision is rendered after considering the decision of the Hon'ble Apex Court in the case of *New Okhla Industrial Development Authority (NOIDA) Vs. Yunus and Ors. [Civil Appeal No.901 of 2021 (Arising out of SLP (C) No.9927 of 2020), dated 3rd February, 2022]*. This Court in paragraph No.2 observed thus :

"2. Taking a note of the cleavage of opinion expressed by different High Courts on the said point and also on the consideration of the scheme of the Enactment under which

the Lokadalats are created to discharge the function, a conclusion reached at is expressed in the following words :-

"48. An Award passed under Section 19 of the 1987 Act is a product of compromise. Sans compromise, the Lok Adalat loses jurisdiction. The matter goes back to the Court for adjudication. Pursuant to the compromise and the terms being reduced to writing with the approval of the parties it assumes the garb of an Award which in turn is again deemed to be a decree without anything more. We would think that it may not be legislative intention to treat such an award passed under Section 19 of the 1987 Act to be equivalent to an award of the Court which is defined in the Act as already noted by us and made under Part III of the Act. An award of the Court in Section 28A is also treated as a decree. Such an Award becomes executable. It is also appealable. Part III of the Act contains a definite scheme which necessarily involves adjudication by the Court and arriving at the compensation. It is this which can form the basis for any others pressing claim under the same notification by invoking Section 28A. We cannot be entirely oblivious to the prospect of an 'unholy' compromise in a matter of this nature forming the basis for re-determination as a matter of right given under Section 28A.

49. We would, therefore, approve the view taken by the Bombay High Court in Umadevi Rajkumar Jeure (supra) and the learned single Judge of the Karnataka High Court in Vasudave (supra) and hold that an Award passed under Section (20) of the 1987 Act by the Lok Adalat cannot be the basis for invoking Section 28A.

5. From the decision of this Court and the decision of the Hon'ble Apex Court, it is evident that award passed by the *Lok Adalat* under Section 20 of the Legal Services Authorities Act cannot form the basis for redetermination of compensation under Section 28A of the Land Acquisition Act.

6. Shri S.K.Adikine, learned counsel for the respondents - claimants in Writ Petition Nos.6168 of 2022 to 6189 of 2022 & Writ Petition No.6191 of 2022, and Shri K.S.Patil, learned counsel holding for Shri S.S.Chaudhari, learned counsel and Smt.Rekha Chaudhari, learned counsel for respective respondents - claimants in Writ Petition Nos.6190 of 2022 and 6192 of 2022 tried to distinguish this decision. However, the decision of this Court based on the decision of the Hon'ble Apex Court is clear.

7. In view of this, Writ Petitions need to be allowed. Petitions are, therefore, allowed in terms of prayer clause-'A'.

(M.G.SEWLIKAR)
JUDGE

SPT