

IN THE NATIONAL LOK ADALAT PRESIDED OVER BY
HON'BLE SHRI JUSTICE KISHORE C. SANT,
HELD ON 30.04.2023,
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE
AT AURANGABAD

75 FIRST APPEAL NO.630 OF 2022
WITH CA/1827/2023 IN FA/630/2022 WITH CA/3019/2022 IN
FA/630/2022
EX. ENGINEER, JALNA MINOR IRRIGATION DIV. JALNA UNDERGMIDC,
AURANGABAD AND ORS
VERSUS
BHAKTIDAS MAHADEO GAIKWAD
AND

76 FIRST APPEAL NO.631 OF 2022
WITH CA/1826/2023 IN FA/631/2022 WITH CA/3013/2022 IN
FA/631/2022
EX. ENGINEER, JALNA MINOR IRRIGATION DIV. JALNA UNDERGMIDC,
AURANGABAD AND ORS
VERSUS
SY. MAHEMUD S/O SY. KARIM
AND

77 FIRST APPEAL NO.632 OF 2022
WITH CA/1824/2023 IN FA/632/2022 WITH CA/3029/2022 IN
FA/632/2022
EXE. ENGINEER, JALNA MINOR IRRIGATION DIV., JALNA UNDER
G.M.I.D.C. AURANGABAD AND OTHERS
VERSUS
SHAIKH MUSA SK. ISMAIL
AND

78 FIRST APPEAL NO.657 OF 2022
WITH CA/1828/2023 IN FA/657/2022 WITH CA/3068/2022 IN
FA/657/2022
EX. ENGINEER, JALNA MINOR IRRIGATION DIV. JALNA UNDERGMIDC,
AURANGABAD AND ORS
VERSUS
SUBHASH JAGANNATHAPPA PASLEGAONKAR
AND

79 FIRST APPEAL NO.662 OF 2022
WITH CA/1879/2023 IN FA/662/2022 WITH CA/3016/2022 IN
FA/662/2022
EX. ENGINEER, JALNA MINOR IRRIGATION DIV. JALNA UNDERGMIDC,
AURANGABAD AND ORS
VERSUS
MADAN SANATAN ADHE
AND
80 FIRST APPEAL NO.664 OF 2022
WITH CA/1884/2023 IN FA/664/2022 WITH CA/3066/2022 IN
FA/664/2022
EXE. ENGINEER, JALNA MINOR IRRIGATION DIV., JALNA UNDER
G.M.I.D.C., AURANGABAD AND OTHERS
VERSUS
EKNATH RANGNATH ADHE
AND
81 FIRST APPEAL NO.665 OF 2022
WITH CA/1822/2023 IN FA/665/2022 WITH CA/3027/2022 IN
FA/665/2022
EX. ENGINEER, JALNA MINOR IRRIGATION DIV. JALNA UNDERGMIDC,
AURANGABAD AND ORS
VERSUS
VILAS PANDURANG RATHOD
AND
82 CA/1820/2023 IN FA/809/2022 WITH CA/3045/2022 IN
FA/809/2022
LASHKAR NEMAJI ADHE (DIED) THR LRS PARUBAI LASHKAR ADHE
AND OTHERS VERSUS
EX. ENGINEER, JALNA MINOR IRRIGATION DIV. JALNA UNDER
GMIDC, AURANGABAD AND ORS
AND
84 FIRST APPEAL NO.811 OF 2022
WITH CA/1823/2023 IN FA/811/2022 WITH CA/3021/2022 IN
FA/811/2022
EX. ENGINEER, JALNA MINOR IRRIGATION DIV. JALNA UNDERGMIDC,
AURANGABAD AND ORS
VERSUS
GAYABAI W/O DASHRATH THORAT

AND
85 FIRST APPEAL NO.812 OF 2022
WITH CA/1825/2023 IN FA/812/2022 WITH CA/3037/2022 IN
FA/812/2022
EX. ENGINEER, JALNA MINOR IRRIGATION DIV. JALNA UNDERGMIDC,
AURANGABAD AND ORS
VERSUS
PREMCHAND S/O KHEMA RATHOD AND ORS
AND
86 FIRST APPEAL NO.814 OF 2022
WITH CA/1881/2023 IN FA/815/2022 WITH CA/1821/2023 IN
FA/814/2022 WITH FA/815/2022 WITH CA/3151/2022 IN
FA/815/2022 WITH CA/3154/2022 IN FA/814/2022
EXE. ENGINEER, JALNA MINOR IRRIGATION DIV., JALNA UNDER
G.M.I.D.C., AURANGABAD AND OTHERS
VERSUS
ATUL KRUSHNKANT ASHTIKAR AND ANOTHER

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Mr. B. R. Survase, Advocate for the appellant

Mr. Deepak M. Kakade, Advocate for the applicant & respondent in
respective matters

Mr. Deepak S. Kale, AE-II, Jalna GMIDC is present

ORDER
(30th APRIL, 2023)

1. These appeals are placed before us in today's National Lok Adalat.

2. The learned advocates for the acquiring body/State and the claimants fairly conceded that the Government of Maharashtra vide Government Resolution No. Sankirna-2014/Pra.Kra.4/Bham-1/A-4 dated 03-11-2016 with Government Corrigendum dated 23-02-2017 and

13-08-2018 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 both the learned advocates is in consonance with the recitals in the Government Resolution. In turn, these appeals are fit to be disposed of before the Lok Adalat.

3. The learned advocate for both the parties further submit that as far as the interest under Section 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. 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.

5. 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, it shall carry the interest in terms of Section 28 or 34 of the Act, as the case may be.

6. 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 either party or fully, shall be considered at the time of final disbursement in terms of the present award.

7. The amount deposited in this court or that would be deposited be transmitted to the concerned Reference Court with further directions to disburse the said amount to the claimants in terms of this award and excess amount, if any, to the Acquiring Body.

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

9. The appeals stand disposed off. The award be prepared in terms of this order.

10. The civil application if any, except the application to bring

on record legal heirs, stand disposed off.

11. The court fees certificate be issued as per the Rules.

[A. R. BORULKAR]
Advocate
Member

[S. G. SHETE]
DJ (Retd.)
Member

[KISHORE C. SANT, J.]
Head of Panel