

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO.13576 OF 2023
WITH WP/13597/2023 WITH WP/13598/2023 WITH WP/
13599/2023 WITH WP/13600/2023 WITH
WP/13601/2023 WITH WP/13602/2023 WITH
WP/13603/2023 WITH WP/13604/2023 WITH
WP/13577/2023 WITH WP/13578/2023 WITH
WP/13579/2023 WITH WP/13580/2023 WITH
WP/13581/2023 WITH WP/13582/2023 WITH
WP/13583/2023

GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION THROUGH EXECUTIVE ENGINEER
VERSUS
DAMU BHIVSEN WAGH AND OTHERS

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Advocate for Petitioner: Mr. P. R. Katneshwarkar
h/f. Mr. Bhalerao Sudhir Govind
AGP for Respondent/State: Ms. R. P. Gour
Advocate for the Claimants: Mr. V. B. Patil

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CORAM : ARUN R. PEDNEKER, J.

DATE : 31st OCTOBER, 2023

ORAL JUDGMENT:

1. Heard.

2. Rule. Rule returnable forthwith. With
consent of parties, the writ petitions are taken
up for final hearing.

3. Mr. P. R. Katneshwarkar holding for
Mr. Sudhir Govind Bhalerao, learned counsel for

the appellant / acquiring body has submitted that the matter before the Lok Adalat was withdrawn by the by respondents no.2 and 3 i.e. the State, however, the acquiring body was not present before the Lok Adalat.

4. Mr. P. R. Katneshwarkar holding for Mr. Sudhir Govind Bhalerao, learned counsel for the appellant / acquiring body has also submitted that the Lok Adalat has wrongly observed that the increase in compensation of Reference Court is 4 times of the compensation awarded by Land Acquisition Officer. However, he submits that as far as the trees are concerned the increase is from Rs.30,465/- (Rs. Thirty Thousand Four Hundred Sixty Five) to Rs.3,25,81,582/- (Rs. Three Crores Twenty Five Lacs Eighty One Thousand Five Hundred Eighty Two) and that the statement recorded therein that increase is only of 4 times valuation is not correct. He further submits that the undertaking given before the Lok Adalat that the entire amount would be deposited before the reference court is also incorrect, as 100% amount

is deposited in this court and 50% amount has been withdrawn by the claimants. He submits that inadvertently the order is recorded and the first appeals are disposed of.

5. Mr. V. B. Patil, learned counsel appearing for the claimants did not dispute the factual position, i.e. the advocate for the acquiring body was not present before the Lok Adalat and the compensation awarded for trees as aforesaid.

6. In view of the same, the order passed by the Lok Adalat dated 11.02.2023 is quashed and set aside and the first appeals are restored to their original position.

7. The writ petitions are allowed and disposed of. Rule is made absolute in above terms.

[ARUN R. PEDNEKER, J.]

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