



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

910 CIVIL APPLICATION NO. 11922 OF 2024
IN FAST/14242/2023

KHELBA MOTIRAM WAGHMODE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
DHARASHIV AND ORS

...
Advocate for Applicant : Ms. Sakshi Kale, h/f Mr. Ajeet Babanrao Kale.
AGP for Respondent/State : Mr. P. D. Patil.
Advocate for Respondent No.3 : Mr. Suresh Walmikrao Munde.
...

AND
CIVIL APPLICATION NO. 5804 OF 2023
IN FAST/14230/2023

AND
CIVIL APPLICATION NO. 5805 OF 2023
IN FAST/14230/2023

AND
CIVIL APPLICATION NO. 5800 OF 2023
IN FAST/14242/2023

AND
CIVIL APPLICATION NO. 5801 OF 2023
IN FAST/14242/2023

AND
CIVIL APPLICATION NO. 5802 OF 2023
IN FAST/14252/2023

AND
CIVIL APPLICATION NO. 5803 OF 2023
IN FAST/14252/2023

AND
CIVIL APPLICATION NO. 11923 OF 2024
IN FAST/14230/2023
...

AND
918 CIVIL APPLICATION NO. 11986 OF 2024
IN FAST/11170/2023

VILAS MAHADEO KUTE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
DHARASHIV AND ORS

...
Advocate for Applicant : Ms. Sakshi Kale, h/f Mr. Ajeet Babanrao Kale.
AGP for Respondent/State : Mr. K. S. Hoke Patil.
Advocate for Respondent No.3 : Mr. Ruturaj C. Patil.

...
AND
CIVIL APPLICATION NO. 4597 OF 2023
IN FAST/11103/2023
AND
CIVIL APPLICATION NO. 4598 OF 2023
IN FAST/11103/2023
AND
CIVIL APPLICATION NO. 4601 OF 2023
IN FAST/11170/2023
AND
CIVIL APPLICATION NO. 4602 OF 2023
IN FAST/11170/2023
AND
CIVIL APPLICATION NO. 4603 OF 2023
IN FAST/11175/2023
AND
CIVIL APPLICATION NO. 4604 OF 2023
IN FAST/11175/2023
AND
CIVIL APPLICATION NO. 11988 OF 2024
IN FAST/11103/2023
AND
CIVIL APPLICATION NO. 11987 OF 2024
IN FAST/11175/2023

AND
919 CIVIL APPLICATION NO. 12004 OF 2024
IN FAST/14024/2023

ASHRUBA BABA MARKAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
DHARASHIV AND ORS

...
Advocate for Applicant : Ms. Sakshi Kale, h/f Mr. Ajeet Babanrao Kale.
AGP for Respondent/State : Mr. K. B. Jadhavar.
Advocate for Respondent No.3 : Mr. Suresh Walmikrao Munde.

...
AND
CIVIL APPLICATION NO. 5751 OF 2023
IN FAST/14024/2023

AND

CIVIL APPLICATION NO. 5752 OF 2023
IN FAST/14024/2023

AND

920 CIVIL APPLICATION NO. 12008 OF 2024
IN FAST/14001/2023

NANA KISAN KUTE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
DHARASHIV AND ORS

...

Advocate for Applicant : Ms. Sakshi Kale, h/f Mr. Ajeet Babanrao Kale.

AGP for Respondent/State : Mr. K. N. Lokhande.

Advocate for Respondent No.3 : Mr. Suresh Walmikrao Munde.

...

AND

CIVIL APPLICATION NO. 5757 OF 2023
IN FAST/13964/2023

AND

CIVIL APPLICATION NO. 5758 OF 2023
IN FAST/13964/2023

AND

CIVIL APPLICATION NO. 5763 OF 2023
IN FAST/13981/2023

AND

CIVIL APPLICATION NO. 5764 OF 2023
IN FAST/13981/2023

AND

CIVIL APPLICATION NO. 5761 OF 2023
IN FAST/13996/2023

AND

CIVIL APPLICATION NO. 5762 OF 2023
IN FAST/13996/2023

AND

CIVIL APPLICATION NO. 5759 OF 2023
IN FAST/14001/2023

AND

CIVIL APPLICATION NO. 5760 OF 2023
IN FAST/14001/2023

AND

CIVIL APPLICATION NO. 12009 OF 2024
IN FAST/13964/2023

CORAM : **KISHORE C. SANT, J.**

DATE : 14th November, 2024.

P.C.:

. Heard the learned counsel for the parties.

Applications for condonation of delay:

2 For the reasons stated in the applications, the delay stands condoned. The applications stand allowed. Appeals be registered.

Applications for stay:

3 The appellant has already deposited the entire amount of compensation alongwith interest. In view of the same, there shall be stay to the impugned judgment and award till disposal of the appeal. The applications stand disposed of.

Applications for withdrawal of amount:

4 It is submitted that the land was acquired vide two acquisition proceedings (i) No.2008/LNQ/KK/CR/08 and (ii) 2008/LNQ/KK/CR/09. It is submitted that the judgment and award in the present reference is form proceedings No.2008/LNQ/KK/CR/09. The learned Court while passing the award has relied upon the awards passed in LARs arising out of proceedings No.2008/LNQ/KK/CR/08. Both of these proceedings are in respect of same project and the lands are also from the same village. The learned counsel for the applicants submitted that, however, in case of acquisition proceedings

No.2008/LNQ/KK/CR/08, no appeals are referred, even the amount of compensation came to be deposited in the Trial Court and the same is even withdrawn by the claimants therein. However, only in the case of acquisition proceedings arising out of 2008/LNQ/KK/CR/09, the appeals are preferred by the acquiring body.

5 Considering the above fact, this Court finds that once the acquiring body has acquiesced to the awards passed in the LARs arising out of proceedings No.2008/LNQ/KK/CR/08, the matter can be referred to Lok-Adalat as the judgment would be binding even in the case of proceedings No.2008/LNQ/KK/CR/09. Hence, place these matters before the next National Lok-Adalat.

[KISHORE C. SANT, J.]

nga