



IN THE NATIONAL LOK ADALAT PRESIDED OVER BY HON'BLE
SHRI JUSTICE KISORE C. SANT,
HELD ON 27.07.2024
AT HIGH COURT LEGAL SERVICES SUB-COMMITTEE
AT AURANGABAD.

145 FIRST APPEAL NO. 2159 OF 2012
WITH
FIRST APPEAL NO. 2158 OF 2012
WITH
FIRST APPEAL NO. 2151 OF 2012
WITH
FIRST APPEAL NO. 2150 OF 2012

EXECUTIVE ENGINEER, MINOR IRRIGATION DIV. DHULE
VERSUS
SONABAI NARAYAN NHA VI AND ORS

...
Advocate for Appellant : Mr. Pawar Ajay D.
AGP for Respondents/State : Mr. A.M. Phule
Advocate for Respondent Nos. 1 and 2A : Mr. Deshpande C. R.

...
AND

146 FIRST APPEAL NO. 2204 OF 2012
WITH
FIRST APPEAL NO. 2210 OF 2012
WITH
FIRST APPEAL NO. 2209 OF 2012
WITH
FIRST APPEAL NO. 2205 OF 2012
WITH
FIRST APPEAL NO. 2207 OF 2012
WITH
FIRST APPEAL NO. 2206 OF 2012
WITH
FIRST APPEAL NO. 2208 OF 2012
WITH
FIRST APPEAL NO. 2213 OF 2012

EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION
VERSUS

ZELABAI CHAITRAM BICHKULE AND ANR

...

Advocate for Appellant : Mr. Pawar Ajay D.
AGP for Respondents/State : Mr. Mr. A.M. Phule
Advocate for Respondent No. 1 : Mr. A.B.Kale

...

AND**148 FIRST APPEAL NO. 2322 OF 2012****WITH****FIRST APPEAL NO. 2318 OF 2012****WITH****FIRST APPEAL NO. 2319 OF 2012****EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION****VERSUS**

**HARCHAND GOVINDA CHAMBHAR (DIED) LRS SITABAI
HARCHAND MULZIR AND ORS**

...

Advocate for Appellant : Mr. Pawar Ajay D.
AGP for Respondents/State : Mr. A.M. Phule
Advocate for Respondent Nos. 1 to 6 : Mr. A.B. Kale

...

AND**151 FIRST APPEAL NO. 782 OF 2013****EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION****VERSUS****MAHADEO DNYANBA VIBHUTE AND ANR**

...

Advocate for Appellant : Mr. Pawar Ajay D.
AGP for Respondents/State : Mr. A.M. Phule
Advocate for Respondent No. 1 : Mr. Shah Subodh P.

...

AND**152 FIRST APPEAL NO. 783 OF 2013****EXECUTIVE ENGINEER, MINOR IRRIGATION DIV. DHULE**

VERSUS
SAGAR SUBHASH PATIL AND ANR

...
Advocate for Appellant : Mr. Pawar Ajay D.
AGP for Respondents/State : Mr. A.M. Phule

...
AND

161 CIVIL APPLICATION NO. 7298 OF 2012
IN FAST/5470/2012
WITH
CIVIL APPLICATION NO. 7299 OF 2012
IN FAST/5470/2012

EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.
VERSUS
PRALHAD RAVAN PATIL, DIED THR. L.RS. MADHAVRAO AND
ORS

...
Advocate for Appellant : Mr. Pawar Ajay D.
AGP for Respondents/State : Mr. A.M. Phule
Advocate for Respondent No. 1A : Mr. Deshpande C.R.and
Mr.V. P. Raje

...
AND

162 CIVIL APPLICATION NO. 10047 OF 2012
IN FAST/13768/2012

EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.DHULE
VERSUS
JIJABRAO SHEMRAO PATIL AND ANR

...
Advocate for Applicant : Mr. Pawar Ajay D.
AGP for Respondents/State : Mr.A.M. Phule
Advocate for Respondent Nos. 2 to 5 : Mr. Dhananjay A Naik

...

AND

165 CIVIL APPLICATION NO. 12172 OF 2012
IN FAST/22598/2012

WITH

CIVIL APPLICATION NO. 12173 OF 2012
IN FAST/22598/2012

EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
DHULE

VERSUS

NIMBA NANDU PATIL AND ORS

...

Advocate for Appellant : Mr. Pawar Ajay D.
AGP for Respondents/State : Mr. A.M. Phule
Advocate for Respondent Nos. 1 to 3 : Mr. Kale Ajeet B.

...

AND

166 CIVIL APPLICATION NO. 14353 OF 2012
IN FAST/33232/2012

WITH

CIVIL APPLICATION NO. 14354 OF 2012
IN FAST/33232/2012

EXECUTIVE ENGINEER, MINOD IRRIGATION, DHULE

VERSUS

BHATU LALA PATIL AND ANR

...

Advocate for Appellant : Mr. Pawar Ajay D.
AGP for Respondents/State : Mr. A.M. Phule
Advocate for Respondent No. 1 : Mr. P. R. Nangare

...

AND

167 FIRST APPEAL NO. 1866 OF 2012

EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION
SINCHAN BHAVAN, SAKRI ROAD, DHULE

VERSUS

RAJABAI NAMDEO PATIL (DEAD) THROUGH LRS HIRAMAN
NAMDEO PATIL AND ORS.

...
Advocate for Appellant : Mr. Pawar Ajay D.
AGP for Respondents/State : Mr. A.M. Phule
...

ORDER
(27th JULY, 2024)

1. These appeals are placed before today's National Lok Adalat with the consent of the parties.
2. Mr. Varun Rajendra Pawar, Sub Divisional Engineer, Sub Division, Shirpur, Minor Irrigation, Dhule, District Dhule for of Acquiring Body/State is personally present before this National Lok Adalat, today. Mr. Pawar Ajay D., learned Advocate on behalf of Acquiring Body and the learned AGP for the State are present. The claimants are represented by their respective Advocates.
3. The learned Advocates for the Acquiring Body/State and the claimants fairly conceded that the Government of Maharashtra vide Government Resolution No. Sankirn 2014/pra.kra.4/Bham-1/A-4 dated 3rd November, 2016 with Government Corrigendum dated 23rd February, 2017 and 13th August, 2018 to the said Government Resolution, took a decision to settle the appeals by accepting the market rates

determined by the Reference Court, which are within the 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 dispose of before this National Lok Adalat.

4. The learned Advocates for both the parties further submit 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 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.

5. Having considered the legal position ruled in both the aforesaid judgments, the impugned Award stands modified. The interest shall be calculated, as per these two judgments.

6. If the amount of compensation is not deposited in this Court or the Reference Court, the 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 fairly conceded that the amount shall not carry interest if deposited within period of six months for above period. The statement is accepted. However, it is clarified, if the amount is deposited after the six months, then it shall carry the interest in terms of Section 28 or 34 of the Act, as the case may be.

7. 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 partly or fully, shall be considered at the time of final disbursement in terms of the present Award.

8. The awarded amount is within four (04) times deposited in this Court. The claimants are entitled to withdraw amount. The Claimants have accepted that the Reference Court has awarded interest on the amount from the date of possession, however, the claimants are ready to accept the interest from the date of actual award.

9. The appellants are at liberty to make appropriate application for withdrawal of the amount before the reference

Court. If the amount in the above terms of compromise is not deposited within six months, the claimants are at liberty to file execution proceeding before the reference Court.

10. The appeals stand disposed off in terms of this order.
11. An excess amount be refunded to the State, if any.
12. Delay, if any, stands condoned.
13. Award be drawn up accordingly.
14. The Court fee refund certificate be issued as per the provisions under the Maharashtra Court Fees Act.

(A.B.KADETHANKAR)	(S.G.SHETE)	(KISHORE C. SANT, J.)
Member	D.J. (Retd.)	Head of the Panel
	Member	

Date : 27.07.2024.
Place : Aurangabad.

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