



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1704 OF 2019

V.I.D.C., through Executive Engineer, Bembla Canal Division, Yavatmal and another
.Vs. Smt. Archana Ashok Dhumne and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms Kirti Wankhede, Adv. h/f Ms Anjali Joshi, Adv. for petitioner.
Shri U.R. Phasate, A.G.P. for respondent Nos.2 and 3/State.

CORAM : ANIL S. KILOR, J.

DATED : 09/01/2024

1. In this writ petition, the challenge is raised to the order dated 08.12.2018 passed before the National Lok Adalat withdrawing the appeal filed by the petitioner.

2. The appeal was sought to be withdrawn in view of the Government Resolution dated 03.11.2016 and 23.02.2017 which say that where the enhancement of compensation granted by the reference Court is not more than four times than the value of the land as per the ready reckoner, such matters should not be prosecuted further.

3. It is submitted that, the first appeal Stamp No.8099 of 2018 was listed with the bunch of first appeals and wrongly it was withdrawn under misconception that it is covered by Government Resolution dated 03.11.2016 and 23.02.2017.

4. It is pointed out that in fact the amount is more than four times and it is not covered by Government Resolution dated 03.11.2016 and 23.02.2017. It is therefore submitted that, the first appeal be restored back to decide the same on merit.

5. After going through the record, it is evident that the matter was not covered vide Government Resolution Dated 03.11.2016 and 23.02.2017 and despite the same, it was wrongly sought to be withdrawn under misconception that, it was covered by the said above Government Resolution. On the date when the matter was withdrawn the respondents claimant was not present and in his absence the said order was passed.

6. In the circumstances, if this writ petition is not allowed it would cause loss to the public exchequer. Hence, the order dated 08.12.2018 passed before the National Lok Adalat is hereby quashed and set aside and matter is restored back to its original number.

Writ Petition is **disposed of** accordingly. No order as to costs.

JUDGE