2026:BHC-AUG:54744

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO.3577 OF 2022

The Executive Engineer,
Minor Irrigation Division No.1, Aurangabad,
Through Godavari Marathwada
Irrigation Development Corporation,
Aurangabad ..Appellant

Vs.

Janardhan Mahadu Surase,
Age : 67 Years, Occ. Agri.
And others

..Respondents

Mr.S.G.Bhalerao, Advocate for applicant
Mr.N.J.Pahune Patil, Advocate for respondent nos.1 to 3
Mr.K.B.Jadhavar, AGP for respondent no.4

CORAM : AJIT B. KADETHANKAR, J.
DATE : NOVEMBER 02, 2026

PER COURT :-

Considering the short controversy in this First Appeal the same is heard for final disposal at admission state.

2. The respondent’s irrigated land situated at gut No.195 of village MauJe Devlana, Tahsil Kannad, Dist. Aurangabad, admeasuring 3 H 38 R was acquired for Larger Minor Sinchan Tank (बृहत लघु सिंचन तलाव),

Devlana. Said proceedings was conducted bearing No.AR/21/2005. The notice under Section 4 of the Land Acquisition Act ("The Act" for brevity) was issued on 30.01.2006. Possession was handed over by private negotiations on 17.04.2006. The final award was published by the S.L.A.O. on 01.08.2008.

3. Feeling aggrieved by the deficit compensation offered by the S.L.A.O., the respondent/claimant filed a proceedings under Section 18 of the Act before learned Civil Judge Senior Division, Aurangabad. The proceedings was registered as L.A.R. No.557 of 2009. After hearing the parties and assessing the evidence on record the Reference Court vide judgment and award dated 20.02.2018 partly allowed the Reference Application. The claimants were held entitled for enhanced compensation at Rs.6,188 per R. The claimants were also held entitled for compensation of Rs.2,63,900/- for acquisition of trees. This judgment and award was not challenged by the acquiring body. Therefore, the claimants moved a Darkhast proceedings before the Executing Court. Said proceedings came to be amicably settled in the Lok Adalat dated 17.07.2019. Recording settlement between the parties in their presence, the Lok Adalat Panel passed the following award:-

> The dispute between the parties is amicably settled and the following award is passed in terms of the compromises.
>
> As agreed above between the parties, the Judgment Debtors Acquiring body is hereby have to pay the decretal amount of compensation awarded by the court with all statutory benefits within a period of six months from today.
>
> The Court fees, if any, paid by the Plaintiff/s shall be refunded to him/them as per rules.

A Copy of the settlement took place in the Lok Adalat is placed on record which is marked as Annexure “X” for the purpose of identification.

4. However, the acquiring body did not comply with the settlement and the assurance tendered before the Lok Adalat. Therefore, the claimants rushed to this court vide Writ Petition No.7158 of 2021. This Court vide orders dated 02.07.2021 and 13.07.2021 directed the acquiring body to deposit the entire compensation amount within four months. Still, the acquiring body did not deposit the compensation amount. Hence, the claimants were constrained to file Contempt Petition No.199 of 2022. It is only after filing of the Contempt Proceedings the acquiring body has filed this First Appeal thereby challenging the judgment and award passed by the Reference Court in L.A.R. No.557 of 2009.

5. Mr.Bhalerao, learned advocate for the appellant – acquiring body invites my attention to paragraph 21 of the impugned judgment and award. He submits that the claimants are unduly benefited of the compensation granted towards the trees. He submits that in view of that, the appeal could very well be maintained before this Court.

6. Mr.Pahune Patil, learned advocate for the respondents claimants would oppose such arguments. He would submit that since the matter is already settled before the Lok Adalat, in Execution proceedings now there is no scope to challenge the judgment and award under Section 54 of the Act.

7. Considered the submissions advanced by learned advocates. The facts are evident and not disputed by any party. The judgment and award passed by the Reference Court was never challenged until the Contempt Proceedings was initiated against the appellant for failure to execute the settlement arrived in the Lok Adalat. Pertinently, the settlement between the parties has arisen in the Lok Adalat in an execution proceedings. The appellant has not challenged the judgment and award passed by the Lok Adalat. What is under challenge is the judgment and award passed by the Reference Court under Section 18 of the Land Acquisition Act.

8. Evidently, in the light of the peculiar facts as recorded above, the First Appeal lacks merit. In view of the same, the same stands dismissed. The amount, if any, deposited by the acquiring body in this court or the Reference Court is permitted to be withdrawn by the claimants. The claimants are entitled for withdrawal of such amount together with interest accrued so far. Security, if offered earlier, shall stand discharged.

[AJIT B. KADETHANKAR, J.]

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