

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 13066 OF 2014  
IN  
FIRST APPEAL NO. 2384 OF 2014**

Rameshwar Sudam Mirge. ...Applicant

versus

The Executive Engineer,  
Lower Dudhna Project Division,  
Selu & ors. ...Respondents

**WITH  
CIVIL APPLICATION NO. 13067 OF 2014  
IN  
FIRST APPEAL NO. 2385 OF 2014**

Prabhakar Manikrao Mirge. ...Applicant

versus

The Executive Engineer,  
Lower Dudhna Project Division,  
Selu & ors. ...Respondents

**WITH  
CIVIL APPLICATION NO. 13070 OF 2014  
IN  
FIRST APPEAL NO. 2386 OF 2014**

Kondiba Laxman Barsale. ...Applicant

versus

The Executive Engineer,  
Lower Dudhna Project Division,  
Selu & ors. ...Respondents

**WITH  
CIVIL APPLICATION NO. 13072 OF 2014  
IN  
FIRST APPEAL NO. 2388 OF 2014**

Natha Vitthal Gore. ...Applicant

versus

The Executive Engineer,  
Lower Dudhna Project Division,  
Selu & ors.

...Respondents

**WITH  
CIVIL APPLICATION NO. 13073 OF 2014  
IN  
FIRST APPEAL NO. 2389 OF 2014**

Parameshwar Sudam Mirge.

...Applicant

versus

The Executive Engineer,  
Lower Dudhna Project Division,  
Selu & ors.

...Respondents

**WITH  
CIVIL APPLICATION NO. 13075 OF 2014  
IN  
FIRST APPEAL NO. 2390 OF 2014**

Sahebrao Masaji Giram.

...Applicant

versus

The Executive Engineer,  
Lower Dudhna Project Division,  
Selu & ors.

...Respondents

**WITH  
CIVIL APPLICATION NO. 13076 OF 2014  
IN  
FIRST APPEAL NO. 2391 OF 2014**

Dhondabai Sudam Mirge.

...Applicant

versus

The Executive Engineer,  
Lower Dudhna Project Division,  
Selu & ors.

...Respondents

.....

Mr. P. R. Katneshwarkar, Advocate h/f Mr. D. M. Kakade, , Advocate for applicant.  
Mr. V. M. Lomte, Advocate for respondent No. 1.  
Mr. D. R. Korade, A.G.P. for respondent/State.

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**CORAM : N.W. SAMBRE, J.**

**DATE : 27TH MARCH, 2015**

**ORAL ORDER :**

. It is not in dispute that the appellant, by subject matter No. 47/8 in the meeting of Board of Directors, decided not to prefer any appeal in the matters wherein the claimants are granted compensation by the Reference Court to the tune of Rs.1200/- per Are for dry crop land.

2. The appellant herein claimed that part of the land under award is irrigated and part is of dry crop land.

3. Be that as it may, the applications for withdrawal of the amount, which are objected by the appellant. Learned Counsel for the appellant has opposed the prayer for permission to withdraw the amount on the ground that the claim was granted by the Reference Court at exorbitant rate. In support thereof, he has tried to rely upon the observations made by the Reference Court in the order in question in appeal.

4. Mr. Katneshwarkar, learned Counsel for the applicants has invited attention of this Court to the matters wherein acquisition

proceedings are initiated at the behest of the M.I.D.C. According to him, the Apex Court has granted withdrawal of 50% of the enhanced compensation without security and balance of 50% on furnishing security to the satisfaction of the Collector. The said order passed in the matter of **Wajidmiya Abdul Raheman Shaikh & ors. vs. Maharashtra Ind. Dev. Cor. & ors.** on Civil Appeal No. 8056/2013 in Special leave Petition No.24894 of 2013 is taken on record.

5. Having regard to the consideration narrated herein above, it will be appropriate that the applicants herein shall permit to withdraw 50% of the amount deposited by appellant upon furnishing an undertaking to the satisfaction of the Registrar (Judicial).

6. So far as remaining 50% amount is concerned, the amount to the extent of 25% from the said amount is permitted to be withdrawn by the applicants upon furnishing bank guarantee of nationalized bank. Balance 25% amount be kept in fixed deposit in nationalized bank, initially for period of three years

7. The civil applications stand allowed to above extent and disposed of.

[ N.W. SAMBRE, J. ]