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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 2259 OF 2018
IN
FIRST APPEAL NO.2251 OF 2016

Govind Tulshiram Avchar

APPLICANT

VERSUS

Executive Engineer, Nimna Dudhana Project & OrsRESPONDENTS

WITH
CIVIL APPLICATION NO. 2279 OF 2018
IN
FIRST APPEAL STAMP NO.28710 OF 2016
WITH
CIVIL APPLICATION NO. 2278 OF 2018
IN
FIRST APPEAL STAMP NO.28719 OF 2016
WITH
CIVIL APPLICATION NO. 2277 OF 2018
IN
FIRST APPEAL STAMP NO.28716 OF 2016
WITH
CIVIL APPLICATION NO. 2276 OF 2018
IN
FIRST APPEAL STAMP NO.28701 OF 2016
WITH
CIVIL APPLICATION NO. 2275 OF 2018
IN
FIRST APPEAL STAMP NO.28713 OF 2016
WITH
CIVIL APPLICATION NO. 2274 OF 2018
IN
FIRST APPEAL STAMP NO.28707 OF 2016
WITH
CIVIL APPLICATION NO. 2273 OF 2018
IN
FIRST APPEAL STAMP NO.28722 OF 2016
WITH
CIVIL APPLICATION NO. 2272 OF 2018
IN

FIRST APPEAL STAMP NO.28704 OF 2016
WITH
CIVIL APPLICATION NO. 2265 OF 2018
IN
FIRST APPEAL NO.2249 OF 2016
WITH
CIVIL APPLICATION NO. 2266 OF 2018
IN
FIRST APPEAL NO.2248 OF 2016
WITH
CIVIL APPLICATION NO. 2268 OF 2018
IN
FIRST APPEAL NO.2253 OF 2016
WITH
CIVIL APPLICATION NO. 2270 OF 2018
IN
FIRST APPEAL NO.2255 OF 2016
WITH
CIVIL APPLICATION NO. 2269 OF 2018
IN
FIRST APPEAL NO.2252 OF 2016
WITH
CIVIL APPLICATION NO. 2260 OF 2018
IN
FIRST APPEAL NO.2258 OF 2016
WITH
CIVIL APPLICATION NO. 2265 OF 2018
IN
FIRST APPEAL NO.2249 OF 2016
WITH
CIVIL APPLICATION NO. 2261 OF 2018
IN
FIRST APPEAL NO.2257 OF 2016
WITH
CIVIL APPLICATION NO. 2262 OF 2018
IN
FIRST APPEAL NO.2256 OF 2016
WITH
CIVIL APPLICATION NO. 2263 OF 2018
IN
FIRST APPEAL NO.2254 OF 2016
WITH
CIVIL APPLICATION NO. 2271 OF 2018
IN

FIRST APPEAL NO.2247 OF 2016

.....
Mr. Sachin S. Randive, Advocate for the applicant
Mr. R. C. Patil, Advocate for respondent No.1
Mr. S. P. Deshmukh, AGP for respondent - State
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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 22nd MARCH, 2018

ORDER :

1. Learned advocates for the parties are at *ad idem* that present matters are to be heard along with group of first appeals bearing No.572 of 2017 and other connected matters, since land acquisition compensation concerned in present matters is in respect of the lands from same village, in respect of which first appeal No.572 of 2017 and other matters are moved. It is further being referred to that the project for which lands in present matters have been acquired, have been under the same notification as the one concerned in first appeal No. 572 of 2017 and a common judgment and award had been passed by reference court including the lands in present matters.

2. Learned advocates for the parties are also at *ad idem* that 100% land acquisition compensation deposited in this court has been allowed to be withdrawn by the claimants in view of order dated 22nd June, 2017 in civil application No. 2807 of 2017 in

first appeal No. 527 of 2017 reading, thus-

- “ 1. *Learned counsel for respondent – acquiring body submits that, this Court by order dated 18.10.2016 in the group of appeals, arises out of the same acquisition proceedings, permitted the applicants to withdraw 75% of the amount out of the amount deposited before this Court. Learned counsel submits that, respondent – acquiring body has already deposited 50% of the amount out of the total amount before the executing Court and, the applicants – original claimants have withdrawn the same. Thus, in view of the earlier order passed by this Court dated 18.10.2016 as aforesaid, the applicants herein may be permitted to withdraw 50% of the amount out of the amount deposited before this Court.*
2. *Learned counsel for the applicants submits that from the same award in another group of appeals, this Court by order dated 2.5.2016 permitted the applicants therein to withdraw entire amount on furnishing an undertaking to the satisfaction of the Registrar Judicial of this Court.*
3. *On perusal of the impugned judgment and award passed by the Reference Court, it appears that the S.L.A.O. Has awarded the compensation @ Rs.565/- per aar and Reference Court has awarded the compensation at the enhanced rate of Rs.1300/- per Are by treating the acquired land as dry lands.*
4. *It appears that, earlier order dated 2.5.2016 passed by this Court was not brought to the notice of this Court when order dated 18.10.2016 came to be passed permitting the applicant to withdraw only 75% of the amount out of the amount deposited before this Court. In view of the compensation as awarded at the enhanced rate by the Reference Court, the applicants – original claimants are also permitted to withdraw entire amount on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.*

5. *Civil applications for withdrawal of the amount accordingly disposed of. ”*

3. In the circumstances, it would be expedient to allow the present applicants – claimants to withdraw the amount deposited in this court subject to same terms and furnishing undertaking to the satisfaction of the Registrar (Judicial) to the same effect as in those matters.

4. Civil applications accordingly stand disposed of.

[SUNIL P. DESHMUKH, J.]