

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3027 OF 2018
IN FA/856/2016

BALAJI NAMDEO SHERKAR
VERSUS
THE EXECUTIVE ENGINEER LIFT IRRIGATION DIVISION
OSMANABAD THR GMIDC AURANGABAD AND ORS.

WITH
CA/2999/2018 IN FA/860/2016
WITH
CA/3000/2018 IN FA/861/2016
WITH
CA/3001/2018 IN FA/853/2016
WITH
CA/3002/2018 IN FA/854/2016
WITH
CA/3025/2018 IN FA/864/2016
WITH
CA/3026/2018 IN FA/852/2016
WITH
CA/3045/2018 IN FA/863/2016
WITH
CA/3046/2018 IN FA/867/2016
WITH
CA/3047/2018 IN FA/858/2016
WITH
CA/4181/2018 IN FA/862/2016
WITH
CA/4535/2018 IN FA/868/2016
WITH
CA/4538/2018 IN FA/855/2016

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Mr. Vivekanand B. Deshmukh, Advocate for applicants in all CAs
Mr. B.V. Virdhe, AGP for respondent-State
Mr. S.R. Dheple, Advocate for respondent no.1 in all CAs

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CORAM : SUNIL P. DESHMUKH, J.
DATE : 06-04-2018

ORDER :

1. Heard learned counsel for the parties.
2. Learned counsel for the applicants states that in respect of land from the same village acquired for same project, this court under order dated 15-04-2016 in civil application for withdrawal of amount, bearing no. 2137 of 2016 in first appeal no. 270 of 2014, has permitted applicant therein to withdraw 75% of the amount i.e. 50% amount on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court and 25% amount on furnishing bank guarantee.
3. Learned counsel for the respondent, however, submits that in that matter, hike in respect of compensation has not been as steep as involved in the present matters and evidence may not sustain the hike if it comes to decision in first appeals. In the circumstances, the applicants deserve to be put to stricter conditions.

4. Having regard to aforesaid and that there has been enhancement granted by land acquisition reference court, it would be expedient that applicants are allowed to withdraw 50% of the deposited amount in this court, on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court and 25% of the amount on furnishing bank guarantee of nationalized bank and rest of 25% of amount deposited in this court be invested in fixed deposit of nationalized bank.

5. Civil applications are accordingly disposed of.

[SUNIL P. DESHMUKH]
JUDGE

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