

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**938 CIVIL APPLICATION NO. 7354 OF 2018
IN FA/2072/2016**

MAHADEO BALBHIM INGALE DIED THROUGH HIS LRS VATSLABAI
MAHADEO INGALE AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD UNDER G.M.I.D.C. AURANGABAD AND OTHERS

WITH

CA/7355/2018 IN FA/2063/2016

MADHUKAR KONDIBA PAWAR [DIED] THROUGH LRS SARASWATI
MADHUKAR PAWAR

VERSUS

THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD UNDER G.M.I.D.C. AURANGABAD AND OTHERS

WITH

CA/7356/2018 IN FA/2065/2016

GAUTAM PANDURANG SHERKAR

VERSUS

THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD UNDER G.M.I.D.C. AURANGABAD AND OTHERS

WITH

CA/7357/2018 IN FA/2066/2016

VISHWAS TUKARAM SHERKAR

VERSUS

THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD UNDER G.M.I.D.C. AURANGABAD AND OTHERS

WITH

CA/7358/2018 IN FA/2059/2016

MADHUKAR PANDURANG SHERKAR

VERSUS

THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD UNDER G.M.I.D.C. AURANGABAD AND OTHERS

WITH

WITH CA/7359/2018 IN FA/2061/2016

NAVNATH BABURAO SHERKAR

VERSUS

THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD UNDER G.M.I.D.C. AURANGABAD AND OTHERS

WITH

WITH CA/7360/2018 IN FA/2067/2016

DHANANJAY GAUTAM INGALE AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD UNDER G.M.I.D.C. AURANGABAD AND OTHERS

WITH

WITH CA/7361/2018 IN FA/2064/2016

MAHADEO RAMBHAU PAWAR

VERSUS

THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD UNDER G.M.I.D.C. AURANGABAD AND OTHERS

WITH

WITH CA/7362/2018 IN FA/2069/2016

BHARAT RAMBHAU PAWAR AND ANOTHER

VERSUS

THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD UNDER G.M.I.D.C. AURANGABAD AND OTHERS

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Advocate for Applicants : Mr. V.B. Deshmukh
Advocate for Respondent No.1 : Mr. B.R. Surwase
AGP for Respondents/State : Ms. S.S. Raut

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CORAM : K.K. SONAWANE, J.

DATE : 14th JUNE, 2018

PER COURT :

Heard learned counsel for the applicants, learned counsel for the respondent-Acquiring Body as well as learned A.G.P. for the respondent-State. Perused the application.

2. These matters pertains to the compensation under the Land Acquisition Act, 1894. The respondent-Acquiring Body has deposited the compensation amount in this Court pursuant to the Award passed by the learned Reference Court filed under Section 18 of the Land Acquisition Act. The learned counsel for the respondent-Acquiring Body has offered Rs.1,610/- per Are, whereas the Reference Court has enhanced the compensation to the tune of Rs.15,000/- per Are, which is exorbitant and excessive.

3. In view of the nature of subject-matter, it is not in dispute that the lands of the applicants are already been acquired by the respondent-State of Maharashtra. Therefore, I do not find any impediment to allow the applicants-original claimants to withdraw some part of the compensation amount on certain terms and conditions in order to protect the interest of respondents-Acquiring Body.

4. Hence, the applications are partly allowed. The applicants-original claimants are allowed to withdraw 50% of deposited amount on furnishing undertaking to the satisfaction of the Registrar [Judicial] of this Court and 25% rest of the balance amount is allowed to be withdrawn on furnishing bank guarantee of any Nationalized / Scheduled Bank and remaining 25% balance amount be fixed in any Nationalized Bank for a period of two years till decision of the First Appeal/s. Accordingly, applications stand partly allowed.

(K.K. SONAWANE, J.)