

(1)

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

**23 CIVIL APPLICATION NO.2374 OF 2019
IN FA/3223/2017**

YESHU AMBU KARWANDE AND OTHERS
VERSUS
THE EX. ENGINEER, URDHAWA PRAVARA DAM DIV. THR THE
GMIDC, AURANGABAD AND ANR

...

**24 CIVIL APPLICATION NO.2376 OF 2019
IN FA/3221/2017**

TUKARAM BHAGA BANDE (DEAD) THR LRS SKHUBAI AND ORS
VERSUS
THE EX. ENGINEER, URDHAWA PRAVARA DAM DIV. THR THE
GMIDC, AURANGABAD AND ANR

...

**25 CIVIL APPLICATION NO.2383 OF 2019 IN
FA/3205/2017**

SOMA LAXMAN BAMBERE (DIED) THR LRS MARUTI AND
OTHERS
VERSUS
THE EX. ENGINEER, URDHAWA PRAVARA DAM DIV. THR THE
GMIDC, AURANGABAD AND ANR

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**26 CIVIL APPLICATION NO.2385 OF 2019 IN
FA/3209/2017**

BUDHA SHRAVAN BANDE (DIED) THR LRS SURESH AND
OTHERS
VERSUS
THE EX. ENGINEER, URDHAWA PRAVARA DAM DIV. THR THE
GMIDC, AURANGABAD AND ANR

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**27 CIVIL APPLICATION NO.2391 OF 2019
IN FA/3222/2017**

SOMA MANGA GIRHE
VERSUS
THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
ANR

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**28 CIVIL APPLICATION NO.2410 OF 2019
IN FA/3210/2017**

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KUSHABA SHANKAR BAMBERE
 VERSUS
 THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
 DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
 ANR

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**29 CIVIL APPLICATION NO.2411 OF 2019
 IN FA/3208/2017**

BHAGA SOMA MUTHE AND OTHERS
 VERSUS
 THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
 DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
 ANR

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**30 CIVIL APPLICATION NO.2412 OF 2019
 IN FA/3216/2017**

YADAV GANPAT PAWAR AND OTHERS
 VERSUS
 THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
 DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
 ANR

...

**31 CIVIL APPLICATION NO.2413 OF 2019
 IN FA/3219/2017**

MAHADU ABA BOBADE DECEASED THR LRS RAMDAS MAHADU
 BOBADE AND OTHERS
 VERSUS
 THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
 DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
 ANR

...

**32 CIVIL APPLICATION NO.2418 OF 2019
 IN FA/3218/2017**

BHIKA KHANDU KARVANDE DECEASED THR LRS CHANDAR
 BHIKA KARVANDE AND OTHERS
 VERSUS
 THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
 DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
 ANR

...

**33 CIVIL APPLICATION NO.2419 OF 2019
 IN FA/3217/2017**

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BHAU LAXMAN GIRHE
VERSUS
THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
ANR

...

**34 CIVIL APPLICATION NO.2420 OF 2019
IN FA/3220/2017**

NAMDEO RAVJI JADHAV
VERSUS
THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
ANR

...

**35 CIVIL APPLICATION NO.2421 OF 2019
IN FA/3211/2017**

ANJANI LAXMAN SONAWANE
VERSUS
THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
ANR

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**36 CIVIL APPLICATION NO.2422 OF 2019
IN FA/3215/2017**

RAMA BALU BAMBERE DECEASED THR LRS SAVALERAM RAMA
BAMBERE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
ANR

...

**37 CIVIL APPLICATION NO.2423 OF 2019
IN FA/3214/2017**

BARKU MANGA GIRHE
VERSUS
THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
ANR

...

**38 CIVIL APPLICATION NO.2424 OF 2019
IN FA/3207/2017**

BHAU SHRAWAN BAMBERE DECEASED THR LRS HARI BHAU
BAMBERE AND OTHERS

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VERSUS

THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
ANR

...

**39 CIVIL APPLICATION NO.2425 OF 2019
IN FA/3206/2017**

NATHU PUNAJI PAWAR

VERSUS

THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
ANR

...

**40 CIVIL APPLICATION NO.2426 OF 2019
IN FA/3213/2017**

VITTHAL GANGADHAR BAMBERE AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER, UPPER PRAVARA DAM
DIVISION, SANGAMNER NOW UNDER GMIDC AURANGABAD AND
ANR

...

Advocate for Applicants : Mr. Dnyaneshwar A. Bide
AGP for Respondents/State : Mr. A.M. Phule/ Mr.
S.J. Salgare/ Mr. P.M. Kulkarni
Advocate for Respondent No.1 : Mr. P.G. Rodge

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CORAM : P.R. BORA, J.

DATED : 18th FEBRUARY, 2019.

PER COURT:-

. Heard Shri Bide, the learned counsel
appearing for the applicants and Shri Rodge, the
learned counsel appearing for the acquiring body
and the respective AGP's appearing for the State in
all these matters.

2. Perused the impugned judgments and awards
and the grounds of objections raised in exception

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to the said judgments. The objections seem to be as about the compensation awarded by the Reference Court of the trees at double of the rate awarded by the SLAO. It further seems to be the case of the acquiring body that no separate compensation was liable to be enhanced for the trees when the amount of compensation was enhanced in so far as the market value of the acquired land is concerned. The learned counsel has prayed for transmitting the amount of compensation which may be permitted to be withdrawn to the Reference Court.

3. In view of the submissions so made, the following order is passed:

ORDER

i) The applicants in all these applications are permitted to withdraw 60% of the deposited amount on submitting an undertaking to the satisfaction of the Reference Court.

ii) The Reference Court shall see that all usual conditions are incorporated for securing the repayment of the amount in the event the appeals filed by the acquiring body stand allowed and the amount of compensation is decreased.

iii) The amount permitted to be withdrawn by the

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respective claimants be transmitted to the Reference Court by the registry within a month.

iv) All civil applications for withdrawal of amount stand disposed of.

v) List the appeals for further consideration after six weeks. Call record and proceedings.

(P.R. BORA, J.)

Mujaheed//