

(1)

69to86-ca13323-19

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

**69 CIVIL APPLICATION NO.13323 OF 2019
IN FA/2818/2017**

**BIBHISHAN BALBHIM PATIL (DIED) LRS RADHABAI AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION OSMANABAD AND
OTHERS**

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**Advocate for Applicants : Wakure Sanjay A.
AGP for Respondents: S.P.Deshmukh
Gulab B. Rajale for R/1 & 3**

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**70 CIVIL APPLICATION NO.13325 OF 2019
IN FA/3361/2017**

**SHANKAR TUKARAM GAIKWAD
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION, OSMANABAD
AND ORS**

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**Advocate for Applicant : Wakure Sanjay A.
AGP for Respondents: R.B.Bagul
Gulab B. Rajale For R/1 & 3**

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**71 CIVIL APPLICATION NO.13349 OF 2019
IN FA/1993/2017**

**VINAYAK MOHAN GAIKWAD
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION OSMANABAD AND
OTHERS**

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**Advocate for Applicant : Wakure Sanjay A.
AGP for Respondents: S.P.Deshmukh
Gulab B. Rajale for R/1 & 3**

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72 CIVIL APPLICATION NO.13351 OF 2019
IN FA/1992/2017

TUKARAM MANIK GAIKWAD DIED LRS ANSAY AND ORS
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION OSMANABAD AND
OTHERS

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Advocate for Applicants : Wakure Sanjay A.
AGP for Respondents: R.B.Bagul
Gulab B. Rajale For R/1 & 3

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73 CIVIL APPLICATION NO.13353 OF 2019
IN FA/1991/2017

CHANDRASEN BALBHIM PATIL
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION, OSMANABAD
AND ORS

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Advocate for Applicants : Wakure Sanjay A.
AGP for Respondents: S.P.Deshmukh
Gulab B. Rajale For R/1 & 3

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74 CIVIL APPLICATION NO.13355 OF 2019
IN FA/1994/2017

ANNASAHEB CHANDRASEN PATIL AND ORS
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION OSMANABAD AND
OTHERS

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Advocate for Applicants : Wakure Sanjay A.
AGP for Respondents: R.B.Bagul

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Gulab B. Rajale For R/1 & 3

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75 CIVIL APPLICATION NO.13397 OF 2019
IN FA/3365/2017

PANDURANG TUKARAM GAIKWAD AND ANR
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION, OSMANABAD
AND ORS

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Advocate for Applicants : Wakure Sanjay A.
AGP for Respondents: S.P.Deshmukh
Gulab B. Rajale For R/1 & 3

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76 CIVIL APPLICATION NO.13412 OF 2019
IN FA/2001/2017

RAJENDRA SANDIPAN GAIKWAD
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION OSMANABAD AND
OTHERS

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Advocate for Applicants : Wakure Sanjay A.
AGP for Respondents: R.B.Bagul

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77 CIVIL APPLICATION NO.13414 OF 2019
IN FA/2000/2017

SITARAM MANIK GAIKWAD
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION OSMANABAD AND
OTHERS

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Advocate for Applicant : Wakure Sanjay A.

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AGP for Respondents: S.P.Deshmukh

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**78 CIVIL APPLICATION NO.13415 OF 2019
IN FA/1999/2017**

**HANUMANT PRABHAKAR AWAD AND ANR
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION OSMANABAD AND
OTHERS**

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**Advocate for Applicants : Wakure Sanjay A.
AGP for Respondents: R.B.Bagul
Gulab B. Rajale For R/1 & 3**

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**79 CIVIL APPLICATION NO.13417 OF 2019
IN FA/1997/2017**

**SUNIL RAMRATAN GAIKWAD
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION OSMANABAD AND
OTHERS**

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**Advocate for Applicant : Wakure Sanjay A.
AGP for Respondents: S.P.Deshmukh
Gulab B. Rajale For R/1 & 3**

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**80 CIVIL APPLICATION NO.13418 OF 2019
IN FA/3364/2017**

**SIDDHESHWAR DATTATRAYA ZENDE
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION, OSMANABAD
AND ORS**

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**Advocate for Applicant : Wakure Sanjay A. (vp Not Filed)
AGP for Respondents: R.B.Bagul**

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Gulab B. Rajale For R/1 & 3

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81 CIVIL APPLICATION NO.13420 OF 2019
IN FA/1995/2017

DEEPAK SANDIPAN GAIKWAD DIED LRS PUJA AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION OSMANABAD AND
OTHERS

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Advocate for Applicants : Wakure Sanjay A.
AGP for Respondents: S.P.Deshmukh
Gulab B. Rajale For R/1 & 3

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82 CIVIL APPLICATION NO.13421 OF 2019
IN FA/1996/2017

RAMLING BABURAO GAIKWAD
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION OSMANABAD AND
OTHERS

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Advocate for Applicant : Wakure Sanjay A.
AGP for Respondents: R.B.Bagul
Gulab B. Rajale For R/1 & 3

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83 CIVIL APPLICATION NO.13425 OF 2019
IN FA/3362/2017

PANDURANG TUKARAM GAIKWAD AND ORS
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION, OSMANABAD
AND ORS

...

Advocate for Applicants : Wakure Sanjay A.
AGP for Respondents: S.P.Deshmukh

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Gulab B. Rajale For R/1 & 3

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84 CIVIL APPLICATION NO.13426 OF 2019
IN FA/1998/2017

PRAKASH MANIK GAIKWAD
VERSUS
THE EXECUTIVE ENGINEER MEDIUM PROJECT DIVISION OSMANABAD AND
OTHERS

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Advocate for Applicant : Wakure Sanjay A.
AGP for Respondents: R.B.Bagul
Gulab B. Rajale For R/1 & 3

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85 CIVIL APPLICATION NO.13427 OF 2019
IN FA/3363/2017

DATTATRAYA TUKARAM GAIKWAD
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION, OSMANABAD
AND ORS

...

Advocate for Applicant : Wakure Sanjay A. (vp Not Filed)
AGP for Respondents: S.P.Deshmukh

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86 CIVIL APPLICATION NO.13429 OF 2019
IN FA/3360/2017

CHAYABAI DATTATRAYA ZENDE
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT DIVISION, OSMANABAD
AND ORS

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Advocate for Applicant : Wakure Sanjay A. (vp Not Filed)
AGP for Respondents: R.B.Bagul
Gulab B. Rajale For R/1 & 3

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CORAM : MANGESH S. PATIL, J.
DATE : 22.11.2019

PC. :-

Heard both the sides.

2] The learned advocate Mr.Wakure undertakes to file Vakalatnama in some of the matters wherein he has not yet filed it, within 3 weeks.

3] These are the applications by original claimants seeking to withdraw amount of compensation deposited in the Court by the acquiring body.

4] The learned advocate for the applicants submits that in fact the acquiring body has deposited only 60% of the amount of the award with interest. Therefore, the applicants may be allowed to withdraw 90% of that amount.

5] The learned advocate for the acquiring body strongly opposes the application. He submits that claimants had claimed only enhancement to the tune of Rs.10,000/- per Are but the Reference Court has awarded more than 3 times of the request. In fact the Reference Court has increased this manifold as compared to the rate fixed by the Special Land Acquisition Officer and therefore, the applicant claimants may not be allowed to withdraw the entire amount.

6] Considering all these facts and circumstances and the impugned judgment and award, it would be appropriate to allow the applicants/claimants to withdraw 75% of the amount deposited in this Court by furnishing usual undertaking. The applications are accordingly disposed of in these terms.

[MANGESH S. PATIL, J.]

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