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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.12614 OF 2019
IN
FIRST APPEAL NO. 2408 OF 2019

Davaji Pundlik Patil

APPLICANT

VERSUS

Executive Engineer, MID, Jalgaon and Others

RESPONDENTS

WITH
CIVIL APPLICATION NO.12629 OF 2019
IN
FIRST APPEAL NO. 2409 OF 2019

Kishor Hiraman Patil

APPLICANT

VERSUS

Executive Engineer, MID, Jalgaon and Others

RESPONDENTS

WITH
CIVIL APPLICATION NO.12616 OF 2019
IN
FIRST APPEAL NO. 2402 OF 2019

Dnyaneshwar Baban Thakur

APPLICANT

VERSUS

Executive Engineer, MID, Jalgaon and Others

RESPONDENTS

WITH
CIVIL APPLICATION NO.12615 OF 2019
IN
FIRST APPEAL NO. 2407 OF 2019

Girdhar Shivram Wagh

APPLICANT

VERSUS

Executive Engineer, MID, Jalgaon and Others

RESPONDENTS

WITH
CIVIL APPLICATION NO.12625 OF 2019
IN
FIRST APPEAL NO. 2403 OF 2019

Bhaskar Baban Thakur

APPLICANT

VERSUS

Executive Engineer, MID, Jalgaon and Others

RESPONDENTS

WITH
CIVIL APPLICATION NO.12618 OF 2019
IN
FIRST APPEAL NO. 2404 OF 2019

Minabai Devaji Patil

APPLICANT

VERSUS

Executive Engineer, MID, Jalgaon and Others

RESPONDENTS

WITH
CIVIL APPLICATION NO.12617 OF 2019
IN
FIRST APPEAL NO. 2405 OF 2019

Rajdhar Hari Ahire

APPLICANT

VERSUS

Executive Engineer, MID, Jalgaon and Others

RESPONDENTS

WITH
CIVIL APPLICATION NO.12626 OF 2019
IN
FIRST APPEAL NO. 2406 OF 2019

Namdeo Ramlal Pardeshi

APPLICANT

VERSUS

Executive Engineer, MID, Jalgaon and Others

RESPONDENTS

WITH
CIVIL APPLICATION NO.12628 OF 2019
IN
FIRST APPEAL NO. 2410 OF 2019

Subhash Budha Pardeshi

APPLICANT

VERSUS

Executive Engineer, MID, Jalgaon and Others

RESPONDENTS

WITH
CIVIL APPLICATION NO.12646 OF 2019
IN
FIRST APPEAL NO. 2401 OF 2019

Kishor Hiranman Patil

APPLICANT

VERSUS

Executive Engineer, MID, Jalgaon and Others

RESPONDENTS

WITH
CIVIL APPLICATION NO.12645 OF 2019
IN
FIRST APPEAL NO. 2419 OF 2019

Ganesh Rajdhar Ahire

APPLICANT

VERSUS

Executive Engineer, MID, Jalgaon and Others

RESPONDENTS

.....
Mr. Vijay B. Patil, Advocate for the applicants
Mr. P. N. Kutti, AGP for respondent - State
Mr. S. S. Chillarge, Advocate for acquiring body
.....

[CORAM : SUNIL P. DESHMUKH AND
SMT. VIBHA KANKANWADI, JJ.]

DATE : 8th NOVEMBER, 2019

ORDER :

1. These are applications for withdrawal of amount deposited by the acquiring body in this court.

2. While compensation @ ₹.16,00,000/- per *Acre* had been demanded, reference court had granted compensation to the extent of ₹.5,40,000/- per *Acre*.
3. Acquiring body is before this court in first appeal challenging aforesaid award by the reference court.
4. This court, under an order on applications for stay to award, had directed the acquiring body to deposit entire award amount in this court. Acquiring body has deposited only a partial amount, which is claimed not even one third of the award amount. For withdrawal of said amount, these applications have been moved.
5. Learned advocate for the acquiring body resists the applications stating that enhancement in compensation is rather too steep and it may be a case wherein compensation for trees has been granted much more than the land value determined.
6. Although this is so submitted, having regard to various orders passed by this court as well as keeping in view orders passed by the Apex Court, we deem it appropriate to allow the claimants to withdraw 75% of the amount from the amount presently deposited by the acquiring body in this court.

7. As such, applicants are permitted to withdraw 50% of the amount presently deposited in this court on furnishing undertaking in this court to the effect that in case first appeals are decided against their interest, they would deposit back the amounts so withdrawn as would be required pursuant to decision in first appeals within a period of eight weeks from the date of such decision. 25% amount from the amount presently deposited be allowed to be withdrawn by the applicants on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial). Balance 25% of the amount deposited by the acquiring body be invested in a fixed deposit in any nationalized bank.

8. Civil applications stand disposed of. This order would not be an impediment for claimants for making appropriate applications as and when deemed proper.

[SMT. VIBHA KANKANWADI]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE