

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

943 CIVIL APPLICATION NO. 4833 OF 2020
IN
FIRST APPEAL NO. 2915 OF 2019

DEEPAK DINKARRAO DESHMUKH AND ANR.
VERSUS
THE EX.ENGINEER, LATUR MINOR
IRRIGATION DIVN.,LATUR AND ORS.
WITH
CIVIL APPLICATION NO. 4829 OF 2019
IN
FIRST APPEAL NO. 2918 OF 2019

TUKARAM GYANDEO DHOTRE
VERSUS
THE EX.ENGINEER, LATUR MINOR
IRRIGATION DIVN.,LATUR AND ORS.
WITH
CIVIL APPLICATION NO. 4830 OF 2019
IN
FIRST APPEAL NO. 2920 OF 2019

VIJAYKUMAR MARTANDRAO DESHMUKH AND
ANR.
VERSUS
THE EX.ENGINEER, LATUR MINOR
IRRIGATION DIVN.,LATUR AND ORS.
WITH
CIVIL APPLICATION NO. 4831 OF 2019
IN
FIRST APPEAL NO. 2919 OF 2019

TUKARAM BHAGWANTA SONTAKKE
VERSUS
THE EX.ENGINEER, LATUR MINOR
IRRIGATION DIVN.,LATUR AND ORS.
WITH

CIVIL APPLICATION NO. 4832 OF 2019
IN
FIRST APPEAL NO. 2918 OF 2019

VIJAYKUMAR MARTANDRAO DESHMUKH
VERSUS
THE EX.ENGINEER, LATUR MINOR
IRRIGATION DIVN.,LATUR AND ORS.

...
Mr. S.S.Rathi, Advocate for applicants.
Mr. S.G.Karlekar, Advocate for R-1.
Mr. P.N.Kutti, A.G.P. for State.

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CORAM : V.L.ACHLIYA, J.
DATE : 21/08/2020
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PER COURT :

1. The applicants-claimants have moved these applications seeking withdrawal of amount deposited by appellant-acquiring body in their respective appeals.
2. Heard learned counsel for applicants-claimants and counsel representing appellant-acquiring body. Perused the Award passed by Tribunal. Also perused the letter dated 27/03/2018 written by Executive Engineer, Irrigation Department, Latur in connected References.
3. Mr. Karlekar, learned counsel for appellant strenuously contended that the Award passed by

Reference Court are not sustainable in law. The compensation awarded @ Rs. 2,283/- per R. by Special Land Acquisition Officer has been enhanced to Rs. 10,300/- per R. by treating the land seasonally irrigated land. It is submitted that there is no evidence to show that the lands are seasonally irrigated lands.

4. Mr. Rathi, learned counsel for applicants-claimants submits that the submission advanced by learned counsel for appellant is totally mis-conceived and factually incorrect. It is submitted that in the References decided by Reference Court, the compensation has been enhanced from Rs. 2,283/- per R. to Rs. 6,894/- per R. by Reference Court. In none of the cases, the compensation has been awarded treating the lands acquired as seasonally irrigated lands. It is further submitted that the appellant/acquiring body in a similarly situated acquisition of land accepted the Award enhancing compensation from Rs. 2,283/- per R. to Rs. 6,894/- per R.

5. On due consideration of submissions advanced and the challenge raised in Appeal, I am of the view the applicants-claimants be permitted to withdraw the amount to the extent of 70% of amount deposited on

furnishing undertaking by the applicants-claimants to the effect that in the event Award is set aside or modified, they shall re-deposit the amount in terms of order to be passed by this Court.

Hence, the following order is passed.

ORDER

[i] The applicants-claimants in respective appeals are permitted to withdraw the amount to the extent of 70 % of the amount deposited on furnishing undertaking to the satisfaction of Registrar [Judicial] with condition that in the event the Award is set aside or modified, they shall re-deposit the amount within eight weeks from the date of passing of such order by this Court.

[ii] After making payment to the applicants-claimants, the balance amount be re-invested in Fixed Deposit initially for a period of three years with standing instructions to re-invest the same till further orders from this Court.

[iii] The amount be paid to the individual applicant by transferring the amount in their respective savings bank account as per the particulars of bank account to be furnished by applicants-claimants. No amount to be

paid to the power of attorney holder for the claimants.

6. The applciation stands disposed of.

[V.L.ACHLIYA]
JUDGE

KNP