

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

**CIVIL APPLICATION NO. 3331 OF 2021
IN
FIRST APPEAL (ST) NO. 18989 OF 2019**

Mahesh Pandurang Sarwade

..APPLICANT

VERSUS

**Executive Engineer,
Minor Irrigation Division, Osmanabad
and Others**

..RESPONDENTS

**AND CA/3329/21 IN FAST/19171/19
AND CA/3327/21 IN FAST/19174/19
AND CA/3328/21 IN FAST/19168/19**

....
Mr. S.A. Wakure, Advocate for applicant
Mr. R.C. Patil, Advocate for respondent no.1
Mr. B.V. Virdhe, A.G.P. for respondent - State
....

**CORAM : R.G. AVACHAT, J.
DATE : 19th JULY, 2021**

PER COURT :

1. Heard. Perused the impugned award.
2. Learned counsel for the acquiring body takes me through paragraph nos. 15 to 18 of the impugned award and submits that the reference Court has acknowledged that sale instance, relied upon by the applicant, was not relevant. According to him, the land under sale instance

was purchased for commercial activity. The land acquired under the present award was not in the near vicinity of the said sale instance.

3. Learned counsel for the applicant, on the other hand, submits that the amount to be withdrawn in two of the other applications is smaller one.

4. After having considered the rival submissions, I permit the applicants to withdraw 70% of the amount deposited in this Court, 50% on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court and 20% of the amount on submitting solvent surety/security/bank guaranty in the like amount. Balance 30% amount be invested in fixed deposit in any nationalised bank for the period till disposal of appeal. Civil applications stand disposed of accordingly.

(R.G. AVACHAT, J.)

SSD