

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

CIVIL APPLICATION NO.4085 OF 2021
IN
FIRST APPEAL NO. 305 OF 2020

VITHAL TATYA DHANAWADE (DIED) THROUGH LRS
UDHAV VITHAL DHANAWADE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION,
BEED THROUGH G.M.I.D.C AURANGABAD AND ANOTHER

WITH

CIVIL APPLICATION NO.4093 OF 2021
IN
FIRST APPEAL NO. 1099 OF 2020

VMAHADEV SHIVRAM SHINDE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION,
BEED THROUGH G.M.I.D.C AURANGABAD AND ANOTHER

WITH

CIVIL APPLICATION NO.4084 OF 2021
IN
FIRST APPEAL NO. 308 OF 2020

GINYADEV GOVIND PAWAR (DIED) THROUGH LRS
MARUTI DNYANDEV PAWAR AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION,
BEED THROUGH G.M.I.D.C AURANGABAD AND ANOTHER

WITH

CIVIL APPLICATION NO.4091 OF 2021
IN
FIRST APPEAL NO. 1094 OF 2020

RAMA SHAHAJI DHANWADE AND ANOTHER
VERSUS
THE EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION,
BEED THROUGH G.M.I.D.C AURANGABAD AND ANOTHER

WITH

CIVIL APPLICATION NO.4087 OF 2021
IN
FIRST APPEAL NO. 311 OF 2020

SHAIKH BABAMIYA SHAIKH IBRAHIM AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION,
BEED THROUGH G.M.I.D.C AURANGABAD AND ANOTHER

WITH

CIVIL APPLICATION NO.4094 OF 2021
IN
FIRST APPEAL NO. 1097 OF 2020

PRABHU TANHAJI JARE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION,
BEED THROUGH G.M.I.D.C AURANGABAD AND ANOTHER

WITH

CIVIL APPLICATION NO.4086 OF 2021
IN
FIRST APPEAL NO. 310 OF 2020

SHIVAJI PANDHARINATH PAWAR AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION,
BEED THROUGH G.M.I.D.C AURANGABAD AND ANOTHER

WITH

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CIVIL APPLICATION NO.4090 OF 2021
IN
FIRST APPEAL NO. 1092 OF 2020

AJINATH EKNATH SHINDE AND ANOTHER
VERSUS
THE EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION,
BEED THROUGH G.M.I.D.C AURANGABAD AND ANOTHER

WITH

CIVIL APPLICATION NO.4098 OF 2021
IN
FIRST APPEAL NO. 1098 OF 2020

SHASHIKALABAI MAHADEV DHANAWADE AND ANOTHER
VERSUS
THE EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION,
BEED THROUGH G.M.I.D.C AURANGABAD AND ANOTHER

WITH

CIVIL APPLICATION NO.4089 OF 2021
IN
FIRST APPEAL NO. 1090 OF 2020

PARMESHWAR RAGHOB A JARE AND ANOTHER
VERSUS
THE EXECUTIVE ENGINEER, BEED IRRIGATION DIVISION,
BEED THROUGH G.M.I.D.C AURANGABAD AND ANOTHER

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Mr. Dattatraya R. Jyabhar, Advocate for the Applicants in all CAs
Mr. S.G. Bhalerao, Advocate for Respondent no.1 (absent)
Mr. B.V. Virdhe, AGP for Respondent No.2 / State

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 04th DECEMBER, 2021

PER COURT:-

1. Heard Mr. Jayabhar, learned counsel for the applicants, Mr. Virdhe, learned AGP for respondent no.2 / State are present. Mr. S.G. Bhalerao, learned counsel for respondent no.1 / acquiring body is absent when matter is called out.
2. The applicants are seeking directions to respondent no.1 / acquiring body to deposit remaining 50% of the amount under the award with interest thereon.
3. Mr. Jayabhar, learned counsel for the applicants submits that this Court was pleased to issue directions to the acquiring body in similar matters to deposit the entire amount under the award with interest in this Court, and therefore, seeks similar directions.
4. It is admitted position that this Court while granting conditional stay in civil application no.4703/2019 in first appeal stamp no. 38936/2018 with connected appeals vide order dated 04.04.2019, directed to the acquiring body / respondent no.1 to deposit 50% of the amount of compensation awarded by the Reference Court within a period of twelve weeks from the date of passing of the order. Accordingly, respondent no.1/acquiring body seems to have deposited 50% of the amount of compensation and

complied with the order. The applicants / claimants seem to have withdrawn that amount after obtaining permission from the Court.

5. Having regard to the above scenario, there is no propriety to issue directions to the acquiring body to deposit remaining 50% of the amount of compensation awarded by the Reference Court. No need to review that order.

6. Mr. Jayabhar, learned counsel for the applicants is insisting that the appeals be fixed for final hearing at the earliest since injustice is caused to the claimants. I am not impressed by the argument advanced by Mr. Jayabhar, learned counsel for the applicants / claimants. These are the appeals of the year 2020. The applicants / claimants who are in the queue since the year 2000 and even prior to that are waiting for the final hearing of the first appeals. Certainly, these appeals of the year 2020 cannot be taken up for final hearing in absence of any extraordinary circumstances. As such, the prayer is turned down.

7. Mr. Jayabhar, learned counsel for the applicants/claimants submits that he has made such submissions on the basis of case status of appeals shown on the High Court web site, which shows that the appeals are listed for final hearing.

ORDER

- (i) The applications are hereby rejected.
- (ii) It is stated that R & P is received. The exercise of printing is dispensed with. The first appeal to proceed further for final hearing, as per its turn.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane