

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

**CIVIL APPLICATION NO. 4621 OF 2021
IN
FIRST APPEAL NO. 1860 OF 2017**

Babu Khanda Ganje

..APPLICANT

VERSUS

The Executive Engineer,
Irrigation Project, Majbutikaran Division,
Omerga and Others

..RESPONDENTS

**AND
CIVIL APPLICATION NO. 4620 OF 2021
IN
FIRST APPEAL NO. 1865 OF 2017**

Nagnath Rattu Magar

..APPLICANT

VERSUS

The Executive Engineer,
Irrigation Project, Majbutikaran Division,
Omerga and Others

..RESPONDENTS

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Mr. V.B. Deshmukh, Advocate for applicants
Mr. A.M. Gaikwad, Advocate for respondent no.1
Mr. B.V. Virdhe, A.G.P. for respondent nos. 2 and 3

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**CORAM : R.G. AVACHAT, J.
DATED : 16th JULY, 2021**

PER COURT :

1. Heard.
2. Learned counsel for the acquiring body has strong objection to grant withdrawal.

3. Perused the application. The enhancement is of more than ten times of the amount awarded by Special Land Acquisition Officer. For the reasons given in the applications, following order is passed :-

ORDER

- (I) Civil applications are partly allowed.
- (II) The applicants are permitted to withdraw 50% of the deposited amount under award, on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- (III) The applicants are also permitted to withdraw further 10% of the amount on submitting solvent surety/security/bank guaranty in the like amount.
- (IV) Balance 40% amount be invested in fixed deposit in any nationalised bank for the period till disposal of appeal.
- (V) Civil applications stand disposed of accordingly.

(R.G. AVACHAT, J.)

SSD