

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.3390 OF 2020
IN
FIRST APPEAL NO.2506 OF 2019

Ramdas Bajirao Patil (Pawar) ..APPLICANT

VERSUS

The Executive Engineer,
Minor Irrigation Division, (M.I.W.)
Jalgaon & ors. ..RESPONDENTS

AND
CIVIL APPLICATION NO.3391 OF 2020
IN
FIRST APPEAL NO.2508 OF 2019

Narendra Rupsing Pardeshi ..APPLICANT

VERSUS

The Executive Engineer,
Minor Irrigation Division, (M.I.W.)
Jalgaon & ors. ..RESPONDENTS

AND
CIVIL APPLICATION NO.3392 OF 2020
IN
FIRST APPEAL NO.2504 OF 2019

Gulab Natthu Pardeshi ..APPLICANT

VERSUS

The Executive Engineer,
Minor Irrigation Division, (M.I.W.)
Jalgaon & ors. ..RESPONDENTS

AND
CIVIL APPLICATION NO.3393 OF 2020
IN
FIRST APPEAL NO.2503 OF 2019

Kamanbai Gulab Pardeshi ..APPLICANT

VERSUS

The Executive Engineer,
Minor Irrigation Division, (M.I.W.)
Jalgaon & ors. ..RESPONDENTS

AND
CIVIL APPLICATION NO.3394 OF 2020
IN
FIRST APPEAL NO.2502 OF 2019

Subhash Jaysing Pardeshi (Shira) ...APPLICANT

VERSUS

The Executive Engineer,
Minor Irrigation Division, (M.I.W.)
Jalgaon & ors. ..RESPONDENTS

AND
CIVIL APPLICATION NO.3395 OF 2020
IN
FIRST APPEAL NO.2501 OF 2019

Girdhar Shivram Wagh ...APPLICANT

VERSUS

The Executive Engineer,
Minor Irrigation Division, (M.I.W.)
Jalgaon & ors. ..RESPONDENTS

AND
CIVIL APPLICATION NO.3396 OF 2020
IN
FIRST APPEAL NO.2500 OF 2019

Bhagwat Adhar Thakur & ors. ...APPLICANTS

VERSUS

The Executive Engineer,
Minor Irrigation Division, (M.I.W.)
Jalgaon & ors. ..RESPONDENTS

AND
CIVIL APPLICATION NO.3397 OF 2020
IN
FIRST APPEAL NO.2499 OF 2019

S/P. Bhagwat Adhar Thakur ...APPLICANT
For Rajendra Adhar Thakur
VERSUS

The Executive Engineer,
Minor Irrigation Division, (M.I.W.)
Jalgaon & ors. ..RESPONDENTS

AND
CIVIL APPLICATION NO.3398 OF 2020
IN
FIRST APPEAL NO.2498 OF 2019

S/P. Bhagwat Adhar Thakur ...APPLICANT
For Jyoti Bhagwat Thakur
VERSUS

The Executive Engineer,
Minor Irrigation Division, (M.I.W.)
Jalgaon & ors. ..RESPONDENTS

AND
CIVIL APPLICATION NO.3399 OF 2020
IN
FIRST APPEAL NO.2509 OF 2019

Vasant Hiranman Patil & anr. ...APPLICANTS

VERSUS

The Executive Engineer,
Minor Irrigation Division, (M.I.W.)
Jalgaon & ors. ..RESPONDENTS

AND
CIVIL APPLICATION NO.3400 OF 2020
IN
FIRST APPEAL NO.2505 OF 2019

Padamsing Harsing Shira & ors. ...APPLICANTS

VERSUS

The Executive Engineer,
Minor Irrigation Division, (M.I.W.)
Jalgaon & ors. ..RESPONDENTS

AND
CIVIL APPLICATION NO.7965 OF 2020
IN
FIRST APPEAL NO.2507 OF 2019

Hilal Sandu Thakur (Dead),
through L.Rs.
Sushilabai Hilal Thakur & ors. ...APPLICANTS

VERSUS

The Executive Engineer,
Minor Irrigation Division, (M.I.W.)
Jalgaon & ors. ..RESPONDENTS

Mr Vijay B. Patil, Advocate for applicants;
Mr S.S. Chillarge, Advocate for respondent no.1;
Mr S.S. Dande, A.G.P. for respondents no.2 & 3

**CORAM : SUNIL P. DESHMUKH
AND
ABHAY AHUJA, JJ.**

DATE : 13-01-2021

PER COURT :

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

2. While compensation @ Rs.16,00,000/- per Acre had been demanded, reference court had granted compensation to the extent of Rs.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. Acquiring body has deposited only a partial amount, which is claimed not even to be half of the award amount. For withdrawal of said amount, these applications have been moved.

5. Learned advocate appearing for the acquiring body purports to point out that in the group of civil applications bearing No.12614 of 2019 and others, the acquiring body could deposit only 25% of the awarded amount. In the present group of civil applications, however, the amount deposited would be close to 40% of the awarded amount. He further purports to reiterate his submissions resisting the withdrawal and also purports to draw attention to certain observations in the reference court judgment as well as judgment of supreme court,

which according to him reflects upon the approach of the court in the circumstances.

6. However, it appears that acquiring body has not deposited as yet the entire amount as directed and only partial deposit is there, we deem it appropriate to let the claimants withdraw 50% from the deposited amount on the following conditions :

7. 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.

7. Learned Counsel for the acquiring body states that paper-books would be prepared.

(ABHAY AHUJA)
JUDGE

(SUNIL P. DESHMUKH)
JUDGE

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