

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

15 CIVIL APPLICATION NO.1544 OF 2022
IN FAST/20263/2020

MANIK HARIBA SAPKAL (DIED)
HIS LRS. DASHRATH MANIK SAPKAL AND ORS

VERSUS

THE EXECUTIVE ENGINEER, OSMANABAD
MEDIUM PROJECT DIVISION, OSMANABAD AND ORS

...

Advocate for Applicants : Mr Dhananjay Mane h/f Mr N.G. Talekar
AGP for Respondent Nos. 2 and 3 : Mr A.B. Chate
Advocate for Respondent No.1 Mr M.S. Kulkarni

WITH

15 CIVIL APPLICATION NO.1537 OF 2022
IN FAST/20428/2020

NAVNATH BHAU SAPKAL (DIED)
HIS LRS. SINDHUBAI NAVNATH SAPKAL AND ORS

VERSUS

THE EXECUTIVE ENGINEER, OSMANABAD
MEDIUM PROJECT DIVISION, OSMANABAD AND ORS

...

Advocate for Applicants : Mr Dhananjay Mane h/f Mr N.G. Talekar
AGP for Respondent Nos. 2 and 3 : Mr A.B. Chate
Advocate for Respondent No.1 Mr M.S. Kulkarni

WITH

15 CIVIL APPLICATION NO.1538 OF 2022
IN FAST/20549/2020

MACHINDRA BHAURAO SAPKAL AND ORS

VERSUS

THE EXECUTIVE ENGINEER, OSMANABAD
MEDIUM PROJECT DIVISION, OSMANABAD AND ORS

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Advocate for Applicants : Mr Dhananjay Mane h/f Mr N.G. Talekar
AGP for Respondent Nos. 2 and 3 : Mr A.B. Chate
Advocate for Respondent No.1 Mr M.S. Kulkarni

WITH

15 CIVIL APPLICATION NO.1543 OF 2022
IN FAST/20299/2020

UTTAM RANU DEOARE AND ORS

VERSUS

THE EXECUTIVE ENGINEER, OSMANABAD
MEDIUM PROJECT DIVISION, OSMANABAD AND ORS

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Advocate for Applicants : Mr Dhananjay Mane h/f Mr N.G. Talekar
AGP for Respondent Nos. 2 and 3 : Mr A.B. Chate
Advocate for Respondent No.1 Mr M.S. Kulkarni

WITH

15 CIVIL APPLICATION NO.1545 OF 2022
IN FAST/20404/2020

GORAKH MANIK SAPKAL

VERSUS

THE EXECUTIVE ENGINEER, OSMANABAD
MEDIUM PROJECT DIVISION, OSMANABAD AND ORS

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Advocate for Applicants : Mr Dhananjay Mane h/f Mr N.G. Talekar
AGP for Respondent Nos. 2 and 3 : Mr A.B. Chate
Advocate for Respondent No.1 Mr M.S. Kulkarni

WITH

15 CIVIL APPLICATION NO.1535 OF 2022
IN FAST/20535/2020

NANA GANPATI SAPKAL

VERSUS

THE EXECUTIVE ENGINEER, OSMANABAD
MEDIUM PROJECT DIVISION, OSMANABAD AND ORS

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Advocate for Applicants : Mr Dhananjay Mane h/f Mr N.G. Talekar
AGP for Respondent Nos. 2 and 3 : Mr A.B. Chate
Advocate for Respondent No.1 Mr M.S. Kulkarni

WITH

15 CIVIL APPLICATION NO.1541 OF 2022
IN FAST/20392/2020

DATTU VITHOBA SAPKAL

VERSUS

THE EXECUTIVE ENGINEER, OSMANABAD
MEDIUM PROJECT DIVISION, OSMANABAD AND ORS

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Advocate for Applicants : Mr Dhananjay Mane h/f Mr N.G. Talekar
AGP for Respondent Nos. 2 and 3 : Mr A.B. Chate
Advocate for Respondent No.1 Mr M.S. Kulkarni

WITH

15 CIVIL APPLICATION NO.1546 OF 2022
IN FAST/20399/2020

RAMLING MANIK SAPKAL

VERSUS

THE EXECUTIVE ENGINEER, OSMANABAD
MEDIUM PROJECT DIVISION, OSMANABAD AND ORS

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Advocate for Applicants : Mr Dhananjay Mane h/f Mr N.G. Talekar
AGP for Respondent Nos. 2 and 3 : Mr A.B. Chate
Advocate for Respondent No.1 Mr M.S. Kulkarni

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 28th February 2022

PER COURT :

1. These are the applications moved by the original claimants for withdrawal of the amount.
2. Heard Mr Dhananjay Mane holding for Mr N.G. Talekar, learned counsel for the original claimants, Mr M.S. Kulkarni, learned counsel for appellant/acquiring body and Mr A.B. Chate, learned AGP for respondent Nos. 2 and 3/State.
3. It is revealed during the course of the argument that the acquiring body has deposited 75% of the amount under the impugned award as per the order of this Court.

4. The claimants are seeking permission to withdraw that entire amount.

5. Mr Dhananjay Mane holding for Mr N.G. Talekar, learned counsel for the applicants has submitted that the claimants are ready to furnish usual undertaking in respect of 50% amount and for 25% amount, they will furnish solvent surety/security.

6. Mr M.S. Kulkarni, learned counsel for the acquiring body invited my attention to the impugned Judgment and award passed by the Reference Court more particularly, para No. 18. He pointed out that the Reference Court was pleased to enhance the compensation on the basis of earlier decision in LAR No. 299/2014 without examining the same with the quality and fertility of the acquired lands in comparison with the lands involved in the Judgment. He further invited my attention that in this case, S.L.A.O. was pleased to determine market price of the acquired land at Rs. 7300/- per R. The Reference Court was pleased to enhance the same by making three categories, Rs. 45,200/- per R, Rs. 38,800/- per R and Rs. 32,300/- per R. He therefore submitted that the Reference Court has awarded exorbitant compensation and it is necessary to protect the interest of the appellant involved in the appeals and opposed to allow these applications.

7. Having considered the submissions of the learned counsel for both the sides, and looking to the market price determined by the Reference Court in comparison with the market price determined by the S.L.A.O., it would be appropriate to allow the claimants to withdraw 50% of the amount in deposit with accrued interest thereon. It would protect the interest of the appellant.

ORDER

(A) The applications for withdrawal of amount are hereby allowed as

under:-

- (i) The applicants/original claimants are permitted to withdraw 50% of the amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (ii) After furnishing such undertaking by the claimants, Registry to make payment accordingly.
- (iii) The Civil Applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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