

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

912 CIVIL APPLICATION NO.12782 OF 2022
IN FIRST APPEAL NO.1952 OF 2022

**BIBHISHAN JYOTIBA BHANGE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION
DIVISION, SINCHAN BHAVAN, ANANDNAGAR,
OSMANABAD & OTHERS**

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Advocate for Applicant : Mr.V.B.Deshmukh
AGP for Respondent-State : Mr.S.S.Dande
Advocate for Respondent no.1 : Mr.R.B.Deshpande

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CORAM : S.G.DIGE, J.
DATE : 04.10.2022

P.C. :

1] Heard the learned counsel for the applicant, the learned AGP for the respondent-State and the learned counsel for respondent no.1.

2] The learned counsel for the applicant submits that the applicant's land is acquired by respondent no.1. Since acquisition of the land, the applicant has not received any compensation. The applicant is a poor farmer. He needs the amount for his daily expenses, hence, requested to allow the application.

3] The learned counsel for respondent no.1 submits that exorbitant compensation is awarded by the

Reference Court. The compensation awarded is more than four times. The impugned judgment and award is challenged by the respondent before this Court, hence, requested to dismiss the present application.

4] I have heard both learned counsel. Admittedly, the land of the applicant is acquired by respondent no.1. The applicant is farmer. He needs the amount for his daily expenses. He is facing financial crisis. The compensation is granted marginally more than four times and even in one matter more than five times. Hence, I pass the following order :

ORDER

i] The application is allowed.

ii] The applicant is permitted to withdraw 50% amount along with accrued interest thereon out of deposited amount on furnishing undertaking. The applicant is also permitted to withdraw 10% amount along with accrued interest out of deposited amount on furnishing solvent surety.

iii] Civil Application is disposed of accordingly.

**[S.G.DIGE]
JUDGE**