

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

**926 CIVIL APPLICATION NO.506 OF 2023
IN FA/2468/2022**

**SHASHIKALA NAGNATH DONGRE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.,
SINCHAN BHAVAN, OSMANABAD AND OTHERS**

**AND
927 CIVIL APPLICATION NO.511 OF 2023
IN FA/2462/2022**

**GAJENDRA VITHAL SURYAWANSHI
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIV.,
SINCHAN BHAVAN, OSMANABAD AND OTHERS**

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Mr. V.V. Ingle, Advocate for the applicants.
Mr. A.B. Chate and Mr. B.V. Virdhe, Asstt. Public Prosecutors
in respective applications.
Mr. R.B. Deshpande, Advocate for respondent No.1.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 20th January 2023.

ORDER:-

1. Heard rival submissions. Though the applicants have claimed withdrawal of deposited amount of compensation by relying upon the order dated 25.08.2022 passed by this court, the learned Counsel for respondent Acquiring Body pointed out that the applicants in these applications had got only 50% share in the compensation amount as per the observation of learned Reference Court. The remaining 50%

share in the compensation granted by Reference Court needs to be given to Shree Ram Mandir Trust as mentioned in the impugned judgment itself.

2. It appears that the learned Reference Court, while passing final order, did not consider this aspect. It had also not directed to make Shree Ram Mandir Trust as a party since this Court in Writ Petition No.9411 of 2010 has held that the applicant and Shree Ram Mandir Trust will be having 50% share in the compensation amount. This fact is suppressed by the applicants in these applications which is a serious issue. Hence, the applications stand rejected.

3. First Appeal (St) No. 31112 of 2019 alongwith disposed Civil Application No. 12033 of 2022 be listed on 31st January 2023 wherein certain order of withdrawal is passed by suppressing the fact in respect of share of Shree Ram Mandir Trust.

(SANDIPKUMAR C. MORE, J.)