

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.3533 OF 2023
IN FA/2192/2022**

**ROHIDAS GANGARAM KHENGARE
VERSUS
THE UNION OF INDIA, THR THE GENERAL MANAGER
CENTRAL RAILWAY, MUMBAI AND OTHERS**

**AND
CIVIL APPLICATION NO.3650 OF 2023
IN FA/2191/2022**

**BHAMABAI SURYABHAN KHENGARE
VS
THE UNION OF INDIA, THR THE GENERAL
MANAGER CENTRAL RAILWAY, MUMBAI AND
OTHERS**

**AND
CIVIL APPLICATION NO.3535 OF 2023
IN FA/2193/2022**

**BHAGWAN LIMBA MISAL
VS
THE UNION OF INDIA, THR THE GENERAL
MANAGER CENTRAL RAILWAY, MUMBAI AND
OTHERS**

**AND
CIVIL APPLICATION NO.3875 OF 2023
IN FA/2182/2022**

**GANGUBAI KHUSHABA MARATHE AND ANR
VS
THE UNION OF INDIA, THR THE GENERAL
MANAGER, CENTRAL RAILWAY, MUMBAI AND
ORS**

**AND
CIVIL APPLICATION NO.3872 OF 2023
IN FA/2185/2022**

RAOSAHEB MARUTI BHILLARE AND ANR

VS
THE UNION OF INDIA, THR THE GENERAL
MANAGER, CENTRAL RAILWAY, MUMBAI AND
ORS

AND
**CIVIL APPLICATION NO.3874 OF 2023
IN FA/2184/2022**

DATTU AMBADAS BHILLARE MINOR N/G OF
FATHER AMBADAS BABU BHILLARE AND ORS
VS
THE UNION OF INDIA, THR THE GENERAL
MANAGER, CENTRAL RAILWAY, MUMBAI AND
ORS

AND
**CIVIL APPLICATION NO.3877 OF 2023
IN FA/2181/2022**

BHAUSAHEB HARIBHAU BHILLARE AND ORS
VS
THE UNION OF INDIA, THR THE GENERAL
MANAGER, CENTRAL RAILWAY, MUMBAI AND
ORS

AND
**CIVIL APPLICATION NO.3873 OF 2023
IN FA/2186/2022**

KAILAS VITTHAL YEOLE
VS
THE UNION OF INDIA, THR THE GENERAL
MANAGER, CENTRAL RAILWAY, MUMBAI AND
ORS

AND
**CIVIL APPLICATION NO.3876 OF 2023
IN FA/2183/2022**

RAHIBAI MADHUKAR CHAVAN AND ORS
VS
THE UNION OF INDIA, THR THE GENERAL
MANAGER, CENTRAL RAILWAY, MUMBAI AND
ORS

AND
CIVIL APPLICATION NO.3878 OF 2023
IN FA/2180/2022

HANUMANT YESHWANT BHILLARE
VS
THE UNION OF INDIA, THR THE GENERAL
MANAGER, CENTRAL RAILWAY, MUMBAI AND
ORS

AND
CIVIL APPLICATION NO.3879 OF 2023
IN FA/2179/2022

ASHOK DINKAR BHILLARE AND ANR
VS
THE UNION OF INDIA, THR THE GENERAL
MANAGER, CENTRAL RAILWAY, MUMBAI AND
ORS

AND
CIVIL APPLICATION NO.5174 OF 2023
IN FAST/8825/2022

PARAJI DHARIBA PACHPUTE AND ORS
VS
THE UNION OF INDIA, THR THE GENERAL
MANAGER, CENTRAL RAILWAY, MUMBAI AND
ORS

...
Mr. D. A. Bide, Advocate for the Applicants.
Mr. S. S. Dande, AGP for Respondents-State.
Mr. B. M. Dhanure, Advocate for Railway.
...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 11th AUGUST, 2023.

PER COURT:-

1. Heard the learned Advocate appearing for the respective parties.

2. Mr. Bide, the learned Advocate appearing for the applicant/s submits that small trenches of the lands have been acquired for the purpose of railway. The compensation amount that has been awarded by the Reference Court is meager and not more than four times of the compensation amount that was determined by the Land Acquisition Officer.

3. Relying upon the order passed in Civil Application No.3613/2023 in First Appeal (ST) No.35229/2021 along with group of the matters, he would submit that, for similar acquisition, various awards were passed. In the appeal arising out of one of the similar award, this Court permitted withdrawal of the entire awarded amount subject to furnishing usual undertaking to the satisfaction of this Court. He urge to adopt the same course in the present matter.

4. Mr. Dhanure, the learned Senior Advocate appearing for respondents would urge that it is not that in each and every case enhancement amount is less than four times. He submits that in some case, more amount has been awarded. He would submit that considering the grounds of challenge in appeal, the claimants may be permitted to withdraw 50% of the amount subject to furnishing of the undertaking.

5. Having considered the submissions advanced, what can be gathered is, the compensation amount granted in the impugned award is meager. This Court considering similar situation permitted the applicants in the connected matters to withdraw 100% of the amount deposited by

the appellant. There is no reason to deviate from the course adopted by this Court in earlier matters. In that view of the matter, the following order:

ORDER

- (i) Civil Applications are allowed.
- (ii) The applicants are permitted to withdraw the amount along with accrued interest deposited by the appellant, subject to usual undertaking to be furnished to the satisfaction of the Registrar [Judicial] of this Court.
- (iii) Civil Applications are, accordingly, disposed of.

(S. G. CHAPALGAONKAR)
JUDGE