

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

**CIVIL APPLICATION NO.5927 OF 2023
IN
FIRST APPEAL (ST) NO. 7468 OF 2022**

**WATHCHALABAI GAHININATH SARWADE
VERSUS
UNION OF INDIA THR GENERAL MANAGER, CENTRAL RAILWAY, C.S.T.
MUMBAI AND ORS.**

**...
CIVIL APPLICATION NO.5924 OF 2023
IN
FIRST APPEAL (ST) NO. 7451 OF 2022**

**BADRINATH SHRIDHAR PAWAR AND ORS.
VERSUS
UNION OF INDIA THR GENERAL MANAGER, CENTRAL RAILWAY, C.S.T.
MUMBAI AND ORS.**

**...
CIVIL APPLICATION NO.5926 OF 2023
IN
FIRST APPEAL (ST) NO. 7434 OF 2022**

**GORAKH BABURAO MAHADIK AND ORS.
VERSUS
UNION OF INDIA THR GENERAL MANAGER, CENTRAL RAILWAY, C.S.T.
MUMBAI AND ORS.**

**...
CIVIL APPLICATION NO.5928 OF 2023
IN
FIRST APPEAL (ST) NO. 7455 OF 2022**

**SURYABHAN KISAN INGOLE AND ORS.
VERSUS
UNION OF INDIA THR GENERAL MANAGER, CENTRAL RAILWAY, C.S.T.
MUMBAI AND ORS.**

**...
CIVIL APPLICATION NO.5925 OF 2023
IN
FIRST APPEAL (ST) NO. 7478 OF 2022**

PRABHAKAR SAHEBRAO VEER AND ANR.

VERSUS
UNION OF INDIA THR GENERAL MANAGER, CENTRAL RAILWAY, C.S.T.
MUMBAI AND ORS.

...
CIVIL APPLICATION NO.5929 OF 2023
IN
FIRST APPEAL (ST) NO. 7486 OF 2022

KACHARU DAGDU DIWATE AND ORS.
VERSUS
UNION OF INDIA THR GENERAL MANAGER, CENTRAL RAILWAY, C.S.T.
MUMBAI AND ORS.

...
CIVIL APPLICATION NO.5931 OF 2023
IN
FIRST APPEAL (ST) NO. 7463 OF 2022

AATTAM SURYABHAN INGOLE AND ANR.
VERSUS
UNION OF INDIA THR GENERAL MANAGER, CENTRAL RAILWAY, C.S.T.
MUMBAI AND ORS.

...
Advocate for Applicant/s: Mr. D. A. Bide
Senior Advocate for Respondent/s : Mr. S. B. Deshpande
...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 22.06.2023

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. Deshpande, 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, J.)