

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

**36 CIVIL APPLICATION NO.3960 OF 2023
IN FA/2428/2022**

**SOMNATH GANPAT DUTONDE AND ANR
VERSUS
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.2,
AURANGABAD UNDER G.M.I.D.C, AURANGABAD AND ORS**

...

Advocate for Applicants : Mr. K. F. Shingare
AGP for Respondent Nos. 2 & 3 : Mr. S. S. Dande
Advocate for Respondent No.1: Mr. B. R. Surwase

...

AND

**37 CIVIL APPLICATION NO.3962 OF 2023
IN FA/2116/2022**

**SHAKUNTALABAI BALAJI DHOKE
VERSUS
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.2,
AURANGABAD UNDER G.M.I.D.C,AURANGABAD AND ORS**

...

Advocate for Applicants : Mr. K. F. Shingare
AGP for Respondent Nos. 2 & 3 : Mr. S. N. Kendre
Advocate for Respondent No.1: Mr. B. R. Surwase

...

AND

**38 CIVIL APPLICATION NO.3963 OF 2023
IN FA/1981/2022**

**BABURAO NAMDEO KUDKE
VERSUS
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.2,
AURANGABAD UNDER G.M.I.D.C, AURANGABAD AND ORS**

...

Advocate for Applicants : Mr. K. F. Shingare
AGP for Respondent Nos. 2 & 3 : Mr. A. B. Chate
Advocate for Respondent No.1: Mr. B. R. Surwase

...

AND

**39 CIVIL APPLICATION NO.3964 OF 2023
IN FA/2115/2022**

GAYABAI EKNATH DHOLE
VERSUS
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.2,
AURANGABAD UNDER G.M.I.D.C, AURANGABAD AND ORS

...

Advocate for Applicants : Mr. K. F. Shingare
AGP for Respondent Nos. 2 & 3 : Mr. B. V. Virdhe
Advocate for Respondent No.1: Mr. B. R. Surwase

...

AND

40 CIVIL APPLICATION NO.3967 OF 2023
IN FA/2126/2022

KASHINATH TULSHIRAM HONMALI
VERSUS
EXECUTIVE ENGINEER, MINOR IRRIGATION DIV. NO.2,
AURANGABAD UNDER G.M.I.D.C, AURANGABAD AND ORS

...

Advocate for Applicants : Mr. K. F. Shingare
AGP for Respondent Nos. 2 & 3 : Mr. S. S. Dande
Advocate for Respondent No.1: Mr. B. R. Surwase

...

AND

41 CIVIL APPLICATION NO.3968 OF 2023
IN FA/2174/2022 WITH CA/3969/2023 IN FA/2175/2022

GANESH HARIBHAU WANKHEDE
VERSUS
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.2,
AURANGABAD UNDER G.M.I.D.C, AURANGABAD AND ORS

...

Advocate for Applicants : Mr. K. F. Shingare
AGP for Respondent Nos. 2 & 3 : Mr. S. N. Kendre
Advocate for Respondent No.1: Mr. B. R. Surwase

...

AND

42 CIVIL APPLICATION NO.3970 OF 2023
IN FA/2427/2022

VITTHAL RAMCHANDRA DHOKE
VERSUS
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.2,
AURANGABAD UNDER G.M.I.D.C, AURANGABAD AND ORS

...

Advocate for Applicants : Mr. K. F. Shingare

AGP for Respondent Nos. 2 & 3 : Mr. A. B. Chate
Advocate for Respondent No.1: Mr. B. R. Surwase

...

AND

43 CIVIL APPLICATION NO.3974 OF 2023
IN FA/2108/2022 WITH FA/2106/2022 WITH FA/2107/2022 WITH
FA/2105/2022

SUHAS TRIMBAK SHIRSATH

VERSUS

EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.2,
AURANGABAD UNDER G.M.I.D.C, AURANGABAD AND ORS

...

Advocate for Applicants : Mr. K. F. Shingare
AGP for Respondent Nos. 2 & 3 : Mr. B. V. Virdhe
Advocate for Respondent No.1: Mr. B. R. Surwase

...

AND

44 CIVIL APPLICATION NO.3976 OF 2023
IN FA/2517/2022 WITH FA/2515/2022 WITH FA/2516/2022

DATTATRAY SANDU JADHAV AND ORS

VERSUS

EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.2,
AURANGABAD UNDER G.M.I.D.C, AURANGABAD AND ORS

...

Advocate for Applicants : Mr. K. F. Shingare
AGP for Respondent Nos. 2 & 3 : Mr. S. N. Kendre
Advocate for Respondent No.1: Mr. B. R. Surwase

...

AND

45 CIVIL APPLICATION NO.3977 OF 2023
IN FA/2129/2022 WITH FA/2127/2022 WITH FA/2128/2022

ASHOK SHESHRO PERKAR AND ORS

VERSUS

EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.2,
AURANGABAD UNDER G.M.I.D.C, AURANGABAD AND ORS

...

Advocate for Applicants : Mr. K. F. Shingare
AGP for Respondent Nos. 2 & 3 : Mr. A. B. Chate
Advocate for Respondent No.1: Mr. B. R. Surwase

...

AND
46 CIVIL APPLICATION NO.3978 OF 2023
IN FA/2442/2022 WITH CA/3979/2023 IN FA/2441/2022 WITH
FA/2443/2022

DROPADABAI NARAYAN SHIRSATH
VERSUS
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.2,
AURANGABAD UNDER G.M.I.D.C, AURANGABAD AND ORS

...

Advocate for Applicants : Mr. K. F. Shingare
AGP for Respondent Nos. 2 & 3 : Mr. B. V. Virdhe
Advocate for Respondent No.1: Mr. B. R. Surwase

...

AND
47 CIVIL APPLICATION NO.3980 OF 2023
IN FA/1955/2022 WITH CA/3981/2023 IN FA/1949/2022 WITH
FA/1954/2022/
WITH
CIVIL APPLICATION NO.4654 OF 2023 IN CA/3981/2023 IN
FA/1949/2022

KACHRU SALUBA PERKAR
VERSUS
EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION NO.2,
AURANGABAD UNDER G.M.I.D.C, AURANGABAD AND ORS

...

Advocate for Applicants : Mr. K. F. Shingare
AGP for Respondent Nos. 2 & 3 : Mr. S. S. Dande
Advocate for Respondent No.1: Mr. B. R. Surwase

...

CORAM : SANDIPKUMAR C. MORE, J.
DATED : 03/04/2023.

P. C. :

A) ORDER IN CIVIL APPLICATION NO.4654 OF 2023 :

1. Heard rival submissions.

2. The applicants are seeking permission to bring themselves on record in the appeal being the legal representatives of sole respondent Rakhamaji Yesuba Taru, who admittedly died on 26/03/20223.
3. There is no strong objection from other side and application is within limitation and therefore, the application stands allowed only in terms of prayer clause-B.
4. The appellant - acquiring body is directed to carry out the amendment forthwith. Further the applicants are also directed to carry out the amendment in the title clause of CA No.3981 of 2023 forthwith. Application is accordingly disposed of.

B) ORDER IN RESPECTIVE CIVIL APPLICATION FOR WITHDRAWAL :

1. Heard rival submissions.
2. The respective applicants are seeking withdrawal of the entire amounts of compensation, which have been deposited by the acquiring body alongwith the interest accrued thereon.
3. The learned counsel for the acquiring body opposed the application on the ground that the reference court has granted exorbitant amount of compensation in respect of trees, structures etc., and the interest under Section 28 and 34 of the Land Acquisition Act has also been granted from the date of notification instead of the date of award.
4. In view of the same and considering the enhancement granted by the learned reference court, the applicants are permitted to withdraw 75% of the deposited amounts of compensation alongwith the proportionate accrued interest there on i.e. 50% on usual

undertaking and 25% on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amounts be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of these appeals.

6. The civil applications are accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

VS Maind/-