

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.5011 OF 2023
IN FAST/8356/2020**

**HIRABAI VASANT KALANGE
VS
DEPUTY CHIEF ENGINEER, SOUTH-CENTRAL RAILWAY,
CONSTRUCTION DIVISION NO.2, NANDED DIST
NANDED AND ANR**

**AND
CIVIL APPLICATION NO.7088 OF 2023
IN FAST/8380/2020**

**LAXMAN SUKHA BORDE DIED THR LRS SOPAN L
BORDE AND ORS
VS
DEPUTY CHIEF ENGINEER, (CONSTRUCTIONS) SOUTH
CENTRAL RAILWAY, NANDED AND ANR**

**AND
CIVIL APPLICATION NO.7374 OF 2023
IN FAST/8376/2020**

**KACHRU KISAN ZIMAN
VS
DEPUTY CHIEF ENGINEER, SOUTH-CENTRAL
RAILWAY, CONSTRUCTION DIVISION
NO.2, NANDED DIST NANDED AND ANR**

**AND
CIVIL APPLICATION NO.5188 OF 2023
IN FAST/8366/2020**

**BHAGINATH VITHAL GHODKE AND ANR
VS
DEPUTY CHIEF ENGINEER, SOUTH-CENTRAL
RAILWAY, CONSTRUCTION DIVISION
NO.2, NANDED DIST NANDED AND ANR**

**AND
CIVIL APPLICATION NO.5012 OF 2023
IN FAST/8373/2020**

DATTU BHIKA BORDE AND ORS
VS
DEPUTY CHIEF ENGINEER,SOUTH-CENTR
AL RAILWAY, CONSTRUCTION DIVISION
NO.2, NANDED DIST NANDED AND ANR

AND
CIVIL APPLICATION NO.5187 OF 2023
IN FAST/8361/2020

SHIVAJI BABU GADHEKAR
VS
DEPUTY CHIEF ENGINEER,SOUTH-CENTR
AL RAILWAY, CONSTRUCTION DIVISION
NO.2, NANDED DIST NANDED AND ANR

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Mr. D. A. Bide h/f Mr. V. B. Wayal, Advocate for the Applicants.

Mr. A. B. Chate, AGP for Respondents-State.

Mr. S. W. Mundhe, Advocate for Respondent No.1.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 04th AUGUST, 2023.

PER COURT:-

1. Heard the learned Advocate appearing for the applicants and the respondents.

2. Mr. Bide, learned Advocate appearing for the applicants points out that the Reference Court after considering the comparative sale instances allowed the Land Acquisition Reference, thereby granting enhanced compensation, which is not even two times of the compensation awarded by the Land Acquisition Officer. He submits that going by evidence on record the enhancement could have been atleast four times.

3. Mr. Mundhe, learned Advocate appearing for the respondents opposes the withdrawal on the ground that there are good grounds in appeals and appeals can be heard finally by fixing early date of hearing.

4. Having considered the submissions advanced and after going through the reasons as given by the Reference Court while allowing the enhanced compensation, it is apparent that the marginal enhancement has been granted, which is supported by the strong evidence. In that view of the matter, it would be appropriate to permit the applicants to withdraw the amount deposited by the appellants subject to certain conditions. Hence, the following order:-

ORDER

- a. Civil Applications are allowed.
- b. The applicants are permitted to withdraw the entire amount deposited by the appellants with Registrar (Judicial) of this Court alongwith accrued interest thereon subject to usual undertaking.
- c. Civil Applications are disposed of.

(S. G. CHAPALGAONKAR)
JUDGE