

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

922 CIVIL APPLICATION NO. 5999 OF 2023
IN FIRST APPEAL NO. 2352 OF 2022

PRABHAKAR GOPINATH NANGURDE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION
NO.1 AND ANOTHER

AND

923 CIVIL APPLICATION NO. 6000 OF 2023
IN FIRST APPEAL NO. 2351 OF 2022

BALKRUSHNA RAMCHANDRA NANGURDE
VERSUS
EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION 1
GODAWARI KHORE VIKAS MAHAMANDAL AURANGABAD
AND ANOTHER

AND

924 CIVIL APPLICATION NO. 6002 OF 2023
IN FIRST APPEAL NO. 2355 OF 2022

SHESHRAO BALKRUSHNA NANGURDE
VERSUS
EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION 1
AURANGABAD GKVM AURANGABAD AND ANOTHER

AND

929 CIVIL APPLICATION NO. 6034 OF 2023
IN FIRST APPEAL NO. 2356 OF 2022

RAMDAS SUKHDEV NANGURDE
VERSUS
EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION 1
AURANGABAD AND ANOTHER

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Mr. N.J. Pahune Patil – Advocate for Applicants
Mr. B.V. Virdhe, Mr. S.S. Dande, Mr. S.N. Kendre – AGP's for
Respondent, State
Mr. V.C. Solshe – Advocate for Respondent, acquiring body

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CORAM : SANDIPKUMAR C. MORE, J.

DATE : 4th May, 2023

PER COURT :

1. The learned Counsel for the applicants, undertakes to file *vakalatnama* on behalf of the applicants during the course of the day.

2. Heard rival submissions.

3. 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. The learned Counsel for the applicants pointed out that, the acquiring body has deposited only 75% of the compensation amount despite order of depositing entire amounts. The learned counsel for the acquiring body submits that, he would take instructions regarding the same.

4. However, the learned counsel for the acquiring body strongly opposed the application on the ground that, the reference Court has granted exorbitant amount of

compensation, which is beyond four times of the amount granted by S.L.A.O. and the reference Court has also granted exorbitant amount in respect of the trees. As against this the learned counsel for the applicants submits that, the acquiring body in other connected matters wherein the same enhancement for landed property was made, decided not to file appeals.

5. However, at this juncture considering the enhancement granted by the learned reference Court, which is more than four times, the applicants are permitted to withdraw 50% of the entire deposited amount of compensation alongwith the proportionate interest accrued thereon till date on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

6. The remaining amounts be kept in F.D.R. in any nationalized Bank on yearly renewal basis till final disposal of these appeals.

7. The civil applications are accordingly disposed of.

[SANDIPKUMAR C. MORE]
JUDGE