

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

914 CIVIL APPLICATION NO. 7388 OF 2022  
IN FIRST APPEAL (ST) NO. 19993 OF 2020  
WITH CA/5708/2023 IN FAST/19993/2020  
WITH CA/7396/2022 IN FAST/19993/2020

THE EXECUTIVE ENGINEER MINOR IRRIGATION PROJECT  
DIVISION OSMANABAD  
VERSUS  
RAFIK HASAN SHAIKH AND OTHERS

**AND**

915 CIVIL APPLICATION NO. 7393 OF 2022  
IN FIRST APPEAL (ST) NO. 19992 OF 2020  
WITH CA/5707/2023 IN FAST/19992/2020  
WITH CA/7394/2022 IN FAST/19992/2020

THE EXECUTIVE ENGINEER MINOR IRRIGATION PROJECT  
DIVISION SINCHAN BHAVAN ANANDNAGAR OSMANABAD  
VERSUS  
SATTAR YASIN ATTAR AND OTHERS

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Mr. R.B. Deshpande – Advocate for Applicants  
Mr. B.V. Virdhe and Mr. S.S. Dande – AGP's for Respondent  
Nos.2 and 3, State  
Mr. P.B. Rakhunde – Advocate for Respondent No.1

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**CORAM : SANDIPKUMAR C. MORE, J.**

**DATE : 27<sup>th</sup> April, 2023**

**PER COURT :**

**CIVIL APPLICATION NO. 5708 OF 2023**  
**CIVIL APPLICATION NO. 5707 OF 2023**

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 applicants placed on record copy of order dated 9<sup>th</sup> June, 2021, whereby this Court in other connected matters has granted 75% of the entire compensation alongwith the interest to the applicants therein. As such, the applicants herein are permitted to withdraw 75% of the deposited amounts of compensation alongwith the proportionate interest accrued thereon till date i.e. 50% on furnishing usual undertaking and 25% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

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

5. The civil applications are accordingly disposed of.

**CIVIL APPLICATION NO. 7388 OF 2022**  
**CIVIL APPLICATION NO. 7393 OF 2022**

6. The appellant – acquiring body in both these

applications is seeking condonation of delay periods mentioned therein, which appear to be cause due to obtaining sanctions at various stages. There is not strong objection from other side and therefore the aforesaid delay periods stand condoned.

7. The appeals be placed for admission after removal of office objections, if any.

8. The Civil Applications are accordingly disposed of.

**CIVIL APPLICATION NO. 7396 OF 2022**  
**CIVIL APPLICATION NO. 7394 OF 2022**

9. Since the appellant – acquiring body has deposited amounts of compensation as directed by this Court in both these applications, the same are made absolute in terms of prayer clause ‘B’ and disposed of.

**[ SANDIPKUMAR C. MORE ]**  
**JUDGE**