

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

922 CIVIL APPLICATION NO.10384 OF 2023
IN FIRST APPEAL NO.2751 OF 2023

MACHHINDRA HONAJI BHOITE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for the applicant : Mr.A.B.Kale
AGP for Respondent-State : Mr.N.T.Bhagat
Advocate for Respondent no.2 : Mr.B.R.Survase

...

WITH CIVIL APPLICATION NO.5475 OF 2023
IN FIRST APPEAL NO.2751 OF 2023

THE EX.ENGINEER JALNA MIDC JALNA & OTHERS
VERSUS
MACHHINDRA HONAJI BHOITE

...

Advocate for the applicant : Mr.B.R.Survase
AGP for the State : Mr.N.T.Bhagat
Advocate for the respondent : Mr.A.B.Kale

...

WITH
923 CIVIL APPLICATION NO.10385 OF 2023
IN FIRST APPEAL NO.2752 OF 2023

LATABAI RUPSING JAKHAD
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for the applicant : Mr.A.B.Kale
AGP for Respondent-State : Mr.K.N.Lokhande
Advocate for Respondent no.2 : Mr.B.R.Survase

...

WITH CIVIL APPLICATION NO.5527 OF 2023
IN FIRST APPEAL NO.2752 OF 2023

THE EX.ENGINEER JALNA MIDC JALNA & OTHERS
VERSUS
LATABAI RUPSING JAKHAD

...

Advocate for the applicant : Mr.B.R.Survase
AGP for the State : Mr.K.N.Lokhande
Advocate for the respondent : Mr.A.B.Kale

...

WITH

924 CIVIL APPLICATION NO.10386 OF 2023
IN FIRST APPEAL NO.2690 OF 2023

JAYSING RUPASING JAKHAD
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for Applicant : Mr.A.B.Kale
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent no.2 : Mr.B.R.Survase

...

WITH CIVIL APPLICATION NO.5538 OF 2023
IN FIRST APPEAL NO.2690 OF 2023

THE EX.ENGINEER JALNA MIDC JALNA & OTHERS
VERSUS
JAYSING RUPSING JAKHAD

...

Advocate for the applicant : Mr.B.R.Survase
AGP for the State : Mr.K.B.Jadhavar
Advocate for the respondent : Mr.A.B.Kale

...

WITH

925 CIVIL APPLICATION NO.10387 OF 2023
IN FIRST APPEAL NO.2824 OF 2023

UTTAMRAO SHRIPAT THOMBRE DIED THRO LRS
ZUMKABAI UTTAMTHOMBRE AND ORS
VERSUS

THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for the applicants : Mr.A.B.Kale
AGP for Respondent-State : Mr.B.V.Virdhe
Advocate for Respondent no.2 : Mr.B.R.Survase

...

WITH CIVIL APPLICATION NO.5531 OF 2023
IN FIRST APPEAL NO.2824 OF 2023

THE EX.ENGINEER JALNA MIDC JALNA & OTHERS
VERSUS

UTTAMRAO SHRIPAT THOMBRE DIED THRO LRS
ZUMKABAI UTTAMTHOMBRE AND ORS

...

Advocate for the applicant : Mr.B.R.Survase
AGP for the State : Mr.B.V.Virdhe
Advocate for the respondent : Mr.A.B.Kale

...

WITH

926 CIVIL APPLICATION NO.10388 OF 2023
IN FIRST APPEAL NO.2977 OF 2023

SUSHILABAI RAMESHWAR JAKHAD
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

...

Advocate for Applicant : Mr.A.B.Kale
AGP for Respondent-State : Ms.R.P.Gaur
Advocate for Respondent no.2 : Mr.B.R.Survase

...

WITH CIVIL APPLICATION NO.5541 OF 2023
IN FIRST APPEAL NO.2977 OF 2023

THE EX.ENGINEER JALNA MIDC JALNA & OTHERS
VERSUS

SUSHILABAI RAMESHWAR JAKHAD

...

Advocate for the applicant : Mr.B.R.Survase
AGP for the State : Ms.R.P.Gaur
Advocate for the respondent : Mr.A.B.Kale

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 10.10.2023

P.C. :

**A] ORDER IN CIVIL APPLICATIONS FOR
WITHDRAWAL OF THE AMOUNT**

1] The present Civil Applications are filed to withdraw the amount deposited by the Acquiring body in this Court.

2] The First Appeals are filed by the acquiring body and the Acquiring Body has deposited the entire amount of compensation in this Court.

3] The learned counsel for the applicants relies upon the identical cases in which this Court by order dated 9th June, 2023 in Civil Application No.7210 of 2023 in First Appeal No.861 of 2023 has permitted the applicants therein to withdraw the entire amount. The learned counsel for the applicants submits that the acquiring body, in some of the other connected matters wherein similar enhancement was granted, did not even file the appeals and are satisfied with the awards. The learned counsel for the applicants submits that in these cases the land value is not enhanced more than four times.

4] The learned counsel appearing for the acquiring body submits that the interest under Section 28A of the Land Acquisition Act is paid from the possession.

5] The objections cannot be sustained because interest under Section 28A of the Land Acquisition Act is awarded from the award as is apparent from the clause no.3 of the operative part of the impugned order.

6] In view of the same, the applicants, in respective applications, are permitted to withdraw 90% amount of the award along with interest subject to furnishing undertaking to the satisfaction of the learned Registrar [Judicial] of this Court and 10% amount of the award along with interest subject to furnishing solvent / security. Civil Applications are disposed of accordingly.

B] ORDER IN CIVIL APPLICATIONS FOR STAY :

The applicant – Acquiring body has deposited entire award amount in this Court. The interim stay granted by this Court stands confirmed. Civil Applications are disposed of accordingly.

C] ORDER IN FIRST APPEALS :

1] In view of the submissions made by the learned

counsel for the applicants that, in other connected matters, the acquiring body has not even filed appeals and has accepted the award passed by the Reference Court.

2] The learned counsel appearing for the acquiring body seeks time to take instructions in that regard.

3] List the First Appeals on 12th December, 2023.

[ARUN R. PEDNEKER]
JUDGE

DDC