

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

922 CIVIL APPLICATION NO.17320 OF 2022
IN
FIRST APPEAL NO.1412 OF 2021

- 1 Giridhar Dattatraya Patil,
Age 58 yrs., Occ. Agri.,
 - 2 Bhaskar Dattatray Patil,
Since deceased through Legal Representatives -
 - 2.1 Nilima Bhaskar Patil,
Age 58 yrs., Occ. Agri.,
 - 2.2 Vivek Bhaskar Patil,
Age 38 yrs., Occ. Agri.,
 - 2.3 Kunal Bhaskar Patil,
Age 36 yrs., Occ. Agri.,
 - 3 Subhash Dattatray Patil,
Age 63 yrs., Occ. Agri.,
 - 4 Pratik Dattatray Patil,
Age 61 yrs., Occ. Agri.,
 - 5 Sunanda Prabhakar Patil,
Age 55 yrs., Occ. Agri.,
- All are r/o Sakegaon, Tq. Bhusawal,
Dist. Jalgaon.

... Applicants

... **Versus** ...

- 1 The Collector,
Jalgaon.

- 2 The Executive Engineer,
Girna Cannel Renovation Division-2,
Jalgaon.
- 3 Superintending Engineer,
Tapi Development Corporation,
Jalgaon.
- 4 The Special Land Acquisition Officer,
Uppar Tapi Project, (Hatnur), Jalgaon,
Tq. & Dist. Jalgaon.

... **Respondents**

...

Miss. Sakshi A. Kale, Advocate h/f Mr. A.B. Kale, Advocate for applicants

Mr. A.M. Phule, AGP for respondent Nos.1 and 4

Mr. A.D. Pawar, Advocate for respondent Nos.2 and 3 - **absent**

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**CORAM : SMT. VIBHA KANKANWADI
ABHAY S. WAGHWASE, JJ.**

DATE : 22nd JUNE, 2023

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 We have heard learned Advocate Miss. Sakshi A. Kale holding for learned Advocate Mr. A.B. Kale for applicants, learned AGP Mr. A.M. Phule for respondent Nos.1 and 4 and learned Advocate Mr. A.D. Pawar for respondent Nos.2 and 3. We have gone through the orders passed, which the

learned Advocate for the applicants wants to rely. The learned Advocate is also relying on our order dated 03.04.2023 in Civil Application No.1166 of 2023 in First Appeal No.1383 of 2021 and submitted that similar order needs to be passed in this case also. Here, it is to be noted that the applicants have not given the details i.e. the amount which has been withdrawn by the applicants here. It is not on record that whether the other order which we had passed in another matter has some connection with the present application. Even if it is taken that by order dated 18.08.2021 and then 17.12.2021 certain orders were passed directing the Acquiring Body to deposit the amount, we do not find that further directions are necessary to be given to the Acquiring Body to deposit the remaining amount. Even by order dated 17.12.2021 only the liberty was given, but it is reiterated that 25% of the decretal amount would be the equitable order as ordered on 18.08.2021. How much amount the applicants have withdrawn from the executing Court is also not made clear. Here, the First Appeal has been filed on the ground that the enhancement is exorbitant. Under the said circumstance, if such directions are given to the Acquiring Body that the entire amount should be deposited and then they are allowed to be withdrawn, then, there is no point in admitting the appeal. Hence, this application stands rejected. However, we will not shut the doors completely, if the appeal is not heard and disposed of within a period of one year, then

liberty is granted to the applicants to file similar application.

(Abhay S. Waghware, J.)

(Smt. Vibha Kankanwadi, J.)

agd