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910ca11317.24

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 CIVIL APPLICATION NO. 11317 OF 2024
IN FAST/8475/2024

AND

CIVIL APPLICATION NO. 7905 OF 2024
IN FAST/8475/2024

AND

CIVIL APPLICATION NO. 7906 OF 2024
IN FAST/8475/2024

AND

911 CIVIL APPLICATION NO. 11323 OF 2024
IN FA/1384/2024

AND

CIVIL APPLICATION NO. 14936 OF 2023
IN FA/1384/2024

AND

912 CIVIL APPLICATION NO. 11349 OF 2024
IN FAST/19447/2024

AND

CIVIL APPLICATION NO. 7907 OF 2024
IN FAST/19447/2024

AND

CIVIL APPLICATION NO. 7908 OF 2024
IN FAST/19447/2024

AND

913 CIVIL APPLICATION NO. 11398 OF 2024
IN FAST/34147/2023

AND

CIVIL APPLICATION NO. 916 OF 2024
IN FAST/34147/2023

AND

CIVIL APPLICATION NO. 917 OF 2024

IN FAST/34147/2023

AND

914 CIVIL APPLICATION NO. 11424 OF 2024
IN FA/2237/2024

AND

CIVIL APPLICATION NO. 3677 OF 2024
IN FA/2237/2024

AND

915 CIVIL APPLICATION NO. 11433 OF 2024
IN FA/2236/2024

AND

CIVIL APPLICATION NO. 3428 OF 2024
IN FA/2236/2024

AND

916 CIVIL APPLICATION NO. 11434 OF 2024
IN FA/2235/2024

AND

CIVIL APPLICATION NO. 3430 OF 2024
IN FA/2235/2024

AND

918 CIVIL APPLICATION NO. 11350 OF 2024
IN FAST/5162/2024

AND

CIVIL APPLICATION NO. 11351 OF 2024
IN FAST/5162/2024

AND

CIVIL APPLICATION NO. 7278 OF 2024
IN FAST/5162/2024

AND

CIVIL APPLICATION NO. 7279 OF 2024
IN FAST/5162/2024

LAXMAN RANU WAGH DECEASED THROUGH LEGAL HEIRS
NILABAI LAXMAN WAGH AND ORS

(3)

910ca11317.24

....Applicant

VERSUS

**GODAWARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION THROUGH ITS EXECUTIVE ENGINEER AND
ORS**

.....Respondent

Mr. A. N. Nagargoje, Advocate h/ f Mr. R. K. Shingapure,
Advocate for the applicant

Mrs. Kalpana Bharaswadkar Patil, Advocate for the respondent
No.1

Mr. S. W. Mundhe, Advocate for respondent No.1 in
ca/11323/24

Mr. Shyam C. Arora, Advocate for respondent No.1 in
ca/11350/24

Mr. Sudhir Govind Bhalerao, Advocate for respondent No.1 in
ca/11434/24, ca/11424/24, ca/11433/24

Mr. S. B. Kadu, Advocate for the respondent No.1 in
ca/11398/24

Mr. R. H. Wagh, Advocate for respondent No.1 in ca/11349/24

Mr. K. S. Hoke Patil, Mr. P. D. Patil, Mr. K. B. Jadhavar, Mr. R. K.
Ingole, AGPs for the respondents/State in respective matters

CORAM : KISHORE C. SANT, J.

DATE : 18th OCTOBER, 2024

P. C.

DELAY

1. Heard all the parties.

2. For the reasons stated in the applications, the delay

stands condoned. The applications stand disposed off.

3. Office to register the appeals.

STAY

1. The acquiring body has already deposited the amount as per impugned judgments and awards in the office of this court. In view of the same, there shall be stay to the impugned judgments and awards pending the appeal.

WITHDRAWAL

1. The applications are for withdrawal of the amount deposited by the appellants-acquiring body in the office of this court pursuant to the impugned judgment and award.

2. Mr. Nagargoje, learned advocate submits that in the present case all the lands are acquired for the purpose of storage tank at village Manepur, Tq. Ghansawangi, Dist. Jalna. The learned SLAO had granted the rate of Rs.1070 to 1170/-. The present applicants filed LARs in the court of learned District

Judge, Jalna. Same came to be decided by the learned Joint Civil Judge, Senior Division by separate judgments and orders. In all the references the learned court has taken the judgment passed in LAR No. 318/2011 decided by the said court at Jalna. In land reference No. 318/2011 the rate granted are as below: Rs.3375 for non-irrigated land. Rs.5062/- for seasonally irrigated land and Rs.6750 for perennial irrigated land. He further submits that the judgment passed in LAR No. 318/2011 is not challenged by the appellants and have acquiesced to the said award. He, therefore, submits that once the acquiring body has acquiesced to the LAR No. 318/2011, there is no question of challenging the judgments and award in the present LARs. However, the acquiring body has filed these appeals. Towards the condition for stay the amount is now deposited in the office of this court and therefore, present application for withdrawal of the said amount.

3. The applications are strongly opposed by the learned advocates for the acquiring body in respective appeals. The main

objection is that the enhancement is granted at exorbitant rate and in some of the cases it is nine times of the amount awarded by the learned Land Acquisition Officer. It is submitted that the appeals itself be taken for final disposal.

4. This court finds that there is no dispute about acquiescence to the judgment in LAR No. 318/2011. Therefore, this court finds that in the appeals chances of success appear to be weak. Since the respondents-acquiring body has already deposited the amount in the office of this court, it would not be in the interest of any of the parties to keep the amount idle. In view of the submissions of the respondents, this court finds it necessary to keep some amount balance to protect the interest of the acquiring body. Hence, the following order:

ORDER

a] The applications are partly allowed except ca/11317/2024.

b] The applicants are permitted to withdraw 75%

of the amount deposited in the office of this court alongwith accrued interest by furnishing usual undertaking.

c] Remaining amount be fixed in any fixed deposit in any Nationalized bank pending the appeals.

LRs

1. This application is for bringing on record the legal heirs of the claimants.
2. There is delay of 731 days caused in filing this application.
3. For the reasons stated in the application, the application stands allowed by condoning the delay.
4. Necessary amendment be carried out in the title

cause of the appeal as well as application within two weeks from today.

5. The applications stands disposed off.

CA/11317/2024 & CA/7906/2024

1. The learned advocate for the applicants seeks leave to correct the valuation. Leave granted.
2. Corrections be carried out.
3. Time to deposit the amount is also extended by eight weeks.

APPEALS

1. Issue notice to the respondents, returnable on 03-01-2025. Mr. Nagargoje, Advocate waives service of notice for the respondents/claimants.
2. Call R & P

[KISHORE C. SANT, J.]