



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

5 CIVIL APPLICATION NO. 6947 OF 2024
IN FA/727/2024

KESHARBAI DEORAO KHOLE DECEASED THROUGH HER
LEGAL HEIRS RUSTUM DEORAO KHOLE AND ORS

VERSUS

THE DIVISIONAL MANAGER, MAHARASHTRA INDUSTRIAL
DEVELOPMENT CORPORATION, AURANGABAD AND ORS

...

Advocate for Applicant : Mr. Suryawanshi Surendra V.

Advocate for Respondent No.1 : Mr. S. S. Dande

AGP for Respondents/State : Mr. G.O. Wattamwar

...

AND

6 CIVIL APPLICATION NO. 6948 OF 2024
IN FA/728/2024

SUGANDHABAI RAGHUJI KHARAT DECEASED THROUGH
HER LEGAL HEIRS RAMKOR JAGANNATH KHARAT AND
ANR

VERSUS

THE DIVISIONAL MANAGER, MAHARASHTRA INDUSTRIAL
DEVELOPMENT CORPORATION, AURANGABAD AND ORS

...

Advocate for Applicant : Mr. Suryawanshi Surendra V.

AGP for Respondents/State : Mrs.M.N.Ghanekar

Advocate for Respondent No.1 : Mr. S.S. Dande

...

AND

**7 CIVIL APPLICATION NO. 6949 OF 2024
IN FA/724/2024**

**BABURAO DEVARAV KHOLE
VERSUS
THE DIVISIONAL MANAGER, MAHARASHTRA INDUSTRIAL
DEVELOPMENT CORPORATION, AURANGABAD AND ORS**

...
Advocate for Applicant : Mr. Suryawanshi Surendra V.
Advocate for Respondent No.1 : Mr. S.S. Dande
AGP for Respondents/State : Mr. S.K.Shirse
...

AND

**8 CIVIL APPLICATION NO. 6950 OF 2024
IN FA/725/2024**

**BABANRAO DEVRAO KHOLE
VERSUS
THE DIVISIONAL MANAGER, MAHARASHTRA INDUSTRIAL
DEVELOPMENT CORPORATION, AURANGABAD AND ORS**

...
Advocate for Applicant : Mr. Suryawanshi Surendra V.
Advocate for Respondent No.1 : Mr. S.S.Dande
AGP for Respondents/State : Mr. V.M.Chate
...

AND

**9 CIVIL APPLICATION NO. 6952 OF 2024
IN FA/726/2024**

**KAILAS RADHUJI KHARAT
VERSUS
THE DIVISIONAL MANAGER, MAHARASHTRA INDUSTRIAL**

DEVELOPMENT CORPORATION,AURANGABAD AND ORS

...

Advocate for Applicant : Mr. Suryawanshi Surendra V.

Advocate for Respondent No.1 : Mr.S.S.Dande

AGP for Respondents/State : Mrs. M.L.Sangit

...

CORAM : KISHORE C. SANT, J.**DATE : 20th JULY, 2024.****PER COURT :**

1. Heard the parties.
2. All the Civil Applications are arising out of the same acquisition proceedings which is decided by the 2nd C.J.S.D. Jalna dated 25.07.2012.
3. The reference Court allowed the reference and directed the enhancement in the amount of compensation.
4. Learned SLAO had awarded the rate of 11500/- per hector, which came to be enhanced to Rs. 83,333/- per hector. The learned Advocate for the applicants submits that this

acquisition proceedings is of 1991. The award was passed on 20.01.1993. The references were filed by these applicants.

5. The learned reference Court has held that the proper rate of compensation would be 83,333/- per hector, however, rejected the reference/s on technical ground of limitation. All the applicants approached this Court by filing the First Appeals.

6. This Court by common order dated 17.08.2022 allowed the appeals partly and remanded the matters back for fresh hearing holding that the references were filed in time.

7. Learned Advocate further submits that even in the second round the learned reference Court has confirmed the same rate which was granted earlier. His submission putforth is that the applicants are deprived of the compensation of enhancement since 1993 and secondly that twice the Court has categorically held that proper rate would be the rate of Rs. 83,333/- per hector. He thus, prays for allowing withdrawal of entire amount.

8. Learned Advocate for the respondents Acquiring Body vehemently opposed the applications. He submits that the learned reference Court has not properly considered the evidence on record. The Court has accepted one side version and enhanced the amount of compensation. There are several grounds in the appeal. If the amount is disbursed it would be difficult to recover the said amount. Considering the year of acquisition i.e. 1991-93 this rate is exorbitant and prays for rejection of the application.

9. Considering the fact that the applicants are deprived of compensation at enhanced rate since more than 30 years, it would not be proper to reject the application for withdrawal of the amount. No purpose would be served by keeping the amount idle in this Court. Hence this Court is inclined to pass following order :

ORDER

a) The Civil Application stands partly allowed and disposed off.

b) The applicants are permitted to withdraw 75% of the deposited amount **in equal**

proportion along with accrued interest on furnishing usual undertaking to the satisfaction of learned Registrar (Judicial) of this Court.

c) The remaining amount of 25% along with accrued interest be allowed to withdraw **in equal proportion** on furnishing solvent surety/security to the satisfaction of the learned Registrar, (Judicial) of this Court.

(KISHORE C. SANT)
JUDGE

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