



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

CIVIL APPLICATION NO.7582 OF 2024 IN
FIRST APPEAL (ST.) NO.26033 OF 2023

Swarup Baburao Alias Bapurao Sawant ... **APPLICANT**

VERSUS

The State of Maharashtra & Others ... **RESPONDENTS**

.....

Mr. P.R. Katneshwarkar, Senior Counsel with
Mr. S.N. Patil, Advocate for applicant
Mr. S.D. Ghayal, A.G.P. for respondents No.1 & 2
Mr. S.C. Arora, &
Mr. B.V. Virdhe, Advocates for respondent No.3.

.....

AND

CIVIL APPLICATION NO.7584 OF 2024 IN
FIRST APPEAL (ST.) NO.26017 OF 2023

Chandrahans Pandharinath Shinde & anr.... **APPLICANTS**

VERSUS

The State of Maharashtra & Others ... **RESPONDENTS**

.....

Mr. P.R. Katneshwarkar, Senior Counsel with
Mr. S.N. Patil, Advocate for applicants
Mr. S.D. Ghayal, A.G.P. for respondents No.1 & 2
Mr. S.C. Arora, &
Mr. B.V. Virdhe, Advocates for respondent No.3.

.....

AND

CIVIL APPLICATION NO.7579 OF 2024 IN
FIRST APPEAL (ST.) NO.26040 OF 2023

Babu Sangram Late, Died, through L.R.

Smt. Laxmibai Babu Late ... **APPLICANT**

VERSUS

The State of Maharashtra & Others ... **RESPONDENTS**

.....
Mr. P.R. Katneshwarkar, Senior Counsel with
Mr. S.N. Patil, Advocate for applicant
Mr. S.D. Ghayal, A.G.P. for respondents No.1 & 2
Mr. S.C. Arora, &
Mr. B.V. Virdhe, Advocates for respondent No.3.

.....

AND

CIVIL APPLICATION NO.7580 OF 2024 IN
FIRST APPEAL (ST.) NO.26036 OF 2023

Shatrughna Madhavrao Herkar & anr. ... **APPLICANTS**

VERSUS

The State of Maharashtra & Others ... **RESPONDENTS**

.....
Mr. P.R. Katneshwarkar, Senior Counsel with
Mr. S.N. Patil, Advocate for applicants
Mr. S.D. Ghayal, A.G.P. for respondents No.1 & 2
Mr. S.C. Arora, &
Mr. B.V. Virdhe, Advocates for respondent No.3.

.....

AND

CIVIL APPLICATION NO.7581 OF 2024 IN
FIRST APPEAL (ST.) NO.26012 OF 2023

Gunwant Pandurang Sawant & anr. ... **APPLICANTS**

VERSUS

The State of Maharashtra & Others ... **RESPONDENTS**

.....
Mr. P.R. Katneshwarkar, Senior Counsel with
Mr. S.N. Patil, Advocate for applicants
Mr. S.D. Ghayal, A.G.P. for respondents No.1 & 2

:: 3 ::

Mr. S.C. Arora, &
Mr. B.V. Virdhe, Advocates for respondent No.3.

.....

AND

CIVIL APPLICATION NO.7583 OF 2024 IN
FIRST APPEAL (ST.) NO.26021 OF 2023

Shetiba Durgappa Pawar & anr. ... **APPLICANTS**

VERSUS

The State of Maharashtra & Others ... **RESPONDENTS**

.....

Mr. P.R. Katneshwarkar, Senior Counsel with
Mr. S.N. Patil, Advocate for applicants
Mr. S.D. Ghayal, A.G.P. for respondents No.1 & 2
Mr. S.C. Arora, &
Mr. B.V. Virdhe, Advocates for respondent No.3.

.....

AND

CIVIL APPLICATION NO.7585 OF 2024 IN
FIRST APPEAL (ST.) NO.26029 OF 2023

Dnyanoba Mahadu Sawant & anr. ... **APPLICANTS**

VERSUS

The State of Maharashtra & Others ... **RESPONDENTS**

.....

Mr. P.R. Katneshwarkar, Senior Counsel with
Mr. S.N. Patil, Advocate for applicants
Mr. S.D. Ghayal, A.G.P. for respondents No.1 & 2
Mr. S.C. Arora, &
Mr. B.V. Virdhe, Advocates for respondent No.3.

.....

AND

CIVIL APPLICATION NO.7586 OF 2024 IN
FIRST APPEAL (ST.) NO.26005 OF 2023

Nagraj Panchakshari Swami & ors. ... **APPLICANTS**

VERSUS

The State of Maharashtra & Others ... **RESPONDENTS**

.....
Mr. P.R. Katneshwarkar, Senior Counsel with
Mr. S.N. Patil, Advocate for applicants
Mr. S.D. Ghayal, A.G.P. for respondents No.1 & 2
Mr. S.C. Arora, &
Mr. B.V. Virdhe, Advocates for respondent No.3.

.....

AND

CIVIL APPLICATION NO.7587 OF 2024 IN
FIRST APPEAL (ST.) NO.26008 OF 2023

Abhang Sopan Shinde & ors. ... **APPLICANTS**

VERSUS

The State of Maharashtra & Others ... **RESPONDENTS**

.....
Mr. P.R. Katneshwarkar, Senior Counsel with
Mr. S.N. Patil, Advocate for applicants
Mr. S.D. Ghayal, A.G.P. for respondents No.1 & 2
Mr. S.C. Arora, &
Mr. B.V. Virdhe, Advocates for respondent No.3.

.....

**CORAM : R.G. AVACHAT AND
NEERAJ P. DHOTE, JJ.**

DATE : 30th AUGUST, 2024

ORDER :

Heard. By these applications, the applicants
(original claimants) have prayed for withdrawal of the amount
deposited by the non-applicant in First Appeal Stamps with

accrued interest. A further prayer is made to direct the Registrar/ office to permit each of the applicants (as per the chart given in para No.4 of the memo of civil application) share in their individual/ independent accounts as each of the applicant is having independent share.

2. It is submitted by learned Senior Advocate for the applicants that, the acquiring body has deposited only 70% of the amount and the applicants be permitted to withdraw the entire 70% amount which has been deposited. He submits that, in view of notification dated 26/5/2015, the multiplier of 2 has been fixed for the lands situated in rural areas. He submits that, the learned authority under the Land Acquisition Act has rightly appreciated the evidence on record and passed the reasoned order. He submits that, the appeal will take its own time for final hearing, therefore, the applications be allowed.

3. The applications are vehemently opposed by learned Advocate for the acquiring body. He submits that, the learned authority considered the land as irrigated though they were not. He submits that, the calculations made by the

authority also is not correct. He submits that, only 50% of the amount deposited by the acquiring body be permitted to be withdrawn and not more.

4. We have heard learned Advocates for both the sides for quite long time. We have also gone through the judgment passed by the learned authority. Paragraph No.39 of the judgment shows that the authority considered in all 24 sale instances and pursuant to provisions of Section 26(1) of the Act of 2013, first 12 sale instances having highest sale price are considered for determining market price of the acquired land, which comes to Rs.8,75,204/- per Hector. Though the calculation is disputed by the learned Advocate for the acquiring body, he is unable to point out as to how the same was erroneous. The learned Authority has observed that, nothing was brought in the cross-examination of the witnesses examined by the claimants so as to disbelieve their version. We find that, there is observation in said paragraph No.50 that the lands of 5 claimants, whose names are given in the said paragraph, are noted to be non-irrigated lands and all the other lands were irrigated lands i.e. Bagayat lands. There is observation that all the lands were situated at the bank of

Manjra river and above lands which are shown as Jirayat in joint measurement, are situated adjacent to the other acquired land, which are also shown as Bagayat lands in joint measurement. The observation that the contents in the award show that the Land Acquisition Officer also noticed that the acquired lands were Bagayat. The said judgment show that the multiplier of 2 had been applied by the authority, which is in consonance with the said notification.

5. In view of the above, we proceed to pass the following order :

ORDER

(i) The applicants are permitted to withdraw 50% of the entire amount under the impugned judgment on furnishing regular undertaking by each of the claimants to the satisfaction of the Registrar (Judicial) of this Court.

(ii) The applicants are further permitted to withdraw the amount as directed in clause (i) above, in terms of prayer clause (C) of the applications.

(iii) The Civil Applications are accordingly disposed of.

(NEERAJ P. DHOTE, J.)

(R.G. AVACHAT, J.)

fmp/-