



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

927 CIVIL APPLICATION NO. 11379 OF 2024
IN FAST/17630/2023
WITH
CIVIL APPLICATION NO. 11380 OF 2024
IN FAST/17637/2023
WITH
CIVIL APPLICATION NO. 11381 OF 2024
IN FAST/17623/2023
WITH
CIVIL APPLICATION NO. 11383 OF 2024
IN FAST/17627/2023
WITH
CIVIL APPLICATION NO. 9879 OF 2023
IN FAST/17623/2023
WITH
CIVIL APPLICATION NO. 9880 OF 2023
IN FAST/17623/2023
WITH
CIVIL APPLICATION NO. 9885 OF 2023
IN FAST/17627/2023
WITH
CIVIL APPLICATION NO. 9886 OF 2023
IN FAST/17627/2023
WITH
CIVIL APPLICATION NO. 9882 OF 2023
IN FAST/17630/2023
WITH
CIVIL APPLICATION NO. 9887 OF 2023
IN FAST/17634/2023
WITH
CIVIL APPLICATION NO. 9888 OF 2023
IN FAST/17634/2023
WITH
CIVIL APPLICATION NO. 9883 OF 2023
IN FAST/17637/2023
WITH
CIVIL APPLICATION NO. 9884 OF 2023
IN FAST/17637/2023

WITH
CIVIL APPLICATION NO. 9881 OF 2023
IN FAST/17630/2023

VASANT RAMCHANDRA HIRMUKHE AND ORS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
OSMANABAD AND ORS

...
Advocate for Applicant : Ms. Mrunal Andhare h/f Mr. Ajeet
Babanrao Kale
AGP for Respondents/State : Mr. R.K.Ingole & R.D. Sanap
Advocate for Respondent No.3 : Mr.M.C. Swami
...

CORAM : KISHORE C. SANT, J.

DATE : 24.10.2024.

PER COURT :

WITHDRAWAL

1. Heard learned Advocate for the applicants. He relies on order passed by this Court in Court in CA No. 11987 of 2023 dated 05.04.2024, wherein this Court allowed the applicant therein to withdraw 75% of the amount on furnishing usual undertaking. He prays that the same order be passed in this application. The learned Advocate for the acquiring body Mr. Swami opposes the application stating that enhancement is more than 28 times. He submits that while considering the sale instance, same are instances after the notification under section 4 of the Land Acquisition Act was issued and thus the such sale

instances could not have been considered by the learned Reference Court.

2. Considering that even after granting compensation 28 times, still amount is around Rs.20 lakhs and the lands acquired were only small strip required for canal, this Court is inclined to allow the application with following terms :-

ORDER

- (i) The applicants are permitted to withdraw 75% of the amount deposited in this Court along with accrued interest on furnishing usual undertaking.
- (ii) Remaining amount shall be kept in fixed deposit in any nationalized bank, to be renewed from time to time till disposal of the appeal.
- (iii) The civil application stands disposed off.

DELAY

1. For the reasons stated in the applications, the delay stand condoned. The applications are allowed and is disposed off. The First Appeals be registered.

STAY.

1. Since the amount as per the award is already deposited, there shall be stay in terms of prayer clause (B). The civil applications for stay accordingly stand allowed and are

disposed off.

FIRST APPEAL

1. Issue notice to the respondents, returnable on 03.01.2025. Learned Advocate Mr. Kale waives service of notice for respondent No.1. Learned AGP waives service of notice for respondent Nos. 2 and 3.

(KISHORE C. SANT)
JUDGE

mahajansb/