



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

908 CIVIL APPLICATION NO. 13673 OF 2023

IN FA/876/2023

ANANDIBAI SHRIDHAR MAGAR AND ORS

VERSUS

**THE EXE. ENGINEER, MED. PRO. DIV., OSMANABAD AND
ANR**

**WITH CIVIL APPLICATION NO. 13672 OF 2023 IN
FA/876/2023 WITH CIVIL APPLICATION NO. 1192 OF 2012 IN
FA/876/2023 WITH CIVIL APPLICATION NO. 1252 OF 2023 IN
FA/876/2023**

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Advocate for Applicants : Mr. Tripathi Manish Purushottam.

AGP for Respondents-State : Mrs. R. R. Tandale.

Advocate for Respondent No.1 : Mr. R. B. Deshmukh.

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CORAM : S. G. MEHARE, J.

DATE : 01.03.2024

PER COURT :-

1. Heard the respective learned counsels for the parties.
2. Learned counsel for the applicants submits that in view of the Government Resolutions, dated 03.11.2016 and 23.02.2017, there should be no appeal, for the reasons that the award is not more than four times of the assessment done by the Land Acquisition Officer.
3. The appellant is the master of this case. The appellant is the Government Controlled Authority. They have to make

statement whether the appeal could be continued though the impugned judgment and award is for less than four times compensation determined by the Land Acquisition Officer.

4. Learned counsel for the appellant seeks time to take the instructions and comply with the mandatory provisions. However, *prima facie* it appears that the Government has taken a conscious decision not to impugn the award which are up to the four times of the award of the land acquisition. In view of the matter, the following order is passed :

ORDER

- (i) The applications are partly allowed.
- (ii) The applicants are allowed to withdraw entire amount deposited with this Court with accrued interest. The amount shall be apportioned equally between the applicants. However, as a caution note the applicants are directed to furnish an undertaking that they would deposit the amount if the impugned judgment and award is reversed in case the appeal is continued.
- (iii) Civil Application No.13672 of 2023 for depositing the amount stands disposed of accordingly.

(S. G. MEHARE, J.)

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vmk/-