



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

CIVIL APPLICATION NO. 11811 OF 2023
IN FA/496/2023

NANASAHEB DYANDEV JATKAR
VERSUS
THE EXECUTIVE ENGINEER IRRIGATION PROJECT STRENGTHENING
DIVISION OMERGA TQ OMERGA AND OTHERS

...
Advocate for Applicant : Mr. Ramesh V. Naiknavare
Advocate for Respondent No.1 : Ms. Sunita D. Shelke
AGP for Respondents No.2 and 3 : Mrs. M. L. Sangit
...

CORAM : S. G. MEHARE, J.

DATE : 15-03-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for respondent No.1/acquiring body and the learned A.G.P. for respondents No.2 and 3.
2. There was a dispute of the area of the land acquired. One of the cousins of the applicant had raised objection that he had interest in acquired land. His main complaint was that only 2 R land was acquired and compensation was granted for 2 Hectore land. Therefore, the learned counsel for respondent No.1/acquiring body was directed to produce the relevant papers. She has produced the relevant papers and made a statement that 2 Hectore land had been acquired.

3. In the order, dated 09.02.2024, this Court recorded certain findings for the interest of the cousin who had intervened. *Prima facie* appears to have no interest in the land acquired. This Court also observed that if any interest, he had, he may approach the Civil Court.

4. The learned counsel for the applicant submits that in the similarly situated matter CA/9072/2021 in FA/904/2020 (Raosaheb Bhanudas Jadhav, died, L.Rs. and others vs. Executive Engineer and others), this Court (Coram: R. G. Avachat, J.) allowed the applicants to withdraw the amount. Hence, the following order;

ORDER

- i) The application is partly allowed.
- ii) The applicant is permitted to withdraw 75% of the amount deposited with this Court with accrued interest, on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court. Balance amount be invested in a fixed deposit in any Nationalized Bank as per rules.

(S. G. MEHARE)
JUDGE

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