



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**905 CIVIL APPLICATION NO. 11145 OF 2024
IN FA/1088/2022**

BHIMASHAPPA HIRANAPPA MULE (DEAD) THR LRS SURESH DIED
THR. LRS. SHASHIKAL AND ORS

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND ORS

...

Advocate for Applicant : Mr. Laxmikant C. Patil.

AGP for Respondent/State : Mr. P. D. Patil.

...

AND

**CIVIL APPLICATION NO. 1049 OF 2022
IN FA/1085/2022**

M.K.V.D.C. LTD., THR EX. ENGINEER, IRRI. PROJECT STREN. DIV.
OMERGA

VERSUS

SIDRAMAPPA REVANAPPA MENGSHETTY AND ORS

...

Advocate for Applicant : Mr. Avishkar S. Shelke.

AGP for Respondent/State : Mr. P. D. Patil.

Advocate for Respondent Nos.2 & 3 : Mr. L. C. Patil.

...

AND

**CIVIL APPLICATION NO. 1063 OF 2022
IN FA/1087/2022**

M.K.V.D.C. LTD., THR EX. ENGINEER, IRRI. PROJECT STREN. DIV.
OMERGA

VERSUS

GURULING BHUJANGA @ BHUJANGAPPA SHERIKAR AND ORS

...

Advocate for Applicant : Mr. Avishkar S. Shelke.

AGP for Respondent/State : Mr. P. D. Patil.

Advocate for Respondent Nos.2 & 3 : Mr. L. C. Patil.

...

AND

**CIVIL APPLICATION NO. 1061 OF 2022
IN FA/1090/2022**

M.K.V.D.C. LTD., THR EX. ENGINEER, IRRI. PROJECT STREN. DIV.

OMERGA
VERSUS
GAHININATH BHIMRAO JOMADE (DEAD) THR LRS SHANTABAI AND
ORS

...
Advocate for Applicant : Mr. Avishkar S. Shelke.
AGP for Respondent/State : Mr. P. D. Patil.
Advocate for Respondent No.1a To 1e : Mr. L. C. Patil.

...
AND
CIVIL APPLICATION NO. 1059 OF 2022
IN FA/1091/2022

M.K.V.D.C. LTD., THR EX. ENGINEER, IRRI. PROJECT STREN. DIV.
OMERGA
VERSUS
SHIVKANT REVANAPPA MENGSHETTY (DEAD) THR LRS SAROJA AND
ORS

...
Advocate for Applicant : Mr. Avishkar S. Shelke.
AGP for Respondent/State : Mr. P. D. Patil.
Advocate for Respondent No.1 : Mr. L. C. Patil.

...
AND
CIVIL APPLICATION NO. 1057 OF 2022
IN FA/1088/2022

M.K.V.D.C. LTD., THR EX. ENGINEER, IRRI. PROJECT STREN. DIV.
OMERGA
VERSUS
BHIMASHAPPA HIRANAPPA MULE (DEAD) THR LRS SURESH AND ORS

...
Advocate for Applicant : Mr. Avishkar S. Shelke.
AGP for Respondent/State : Mr. P. D. Patil.
Advocate for Respondent No.1 : Mr. L. C. Patil.

...
AND
CIVIL APPLICATION NO. 1054 OF 2022
IN FA/1089/2022

M.K.V.D.C. LTD., THR EX. ENGINEER, IRRI. PROJECT STREN. DIV.
OMERGA
VERSUS
DATTATRYA BASAWANAPPA BARULE AND ORS

...
Advocate for Applicant : Mr. Avishkar S. Shelke.
AGP for Respondent/State : Mr. P. D. Patil.
Advocate for Respondent No.1 : Mr. L. C. Patil.

...
AND

**CIVIL APPLICATION NO. 1051 OF 2022
IN FA/1086/2022**

M.K.V.D.C. LTD., THR EX. ENGINEER, IRRI. PROJECT STREN. DIV.
OMERGA
VERSUS
VITHAL BHIMRAO JOMADE (DEAD) THR LRS KASTURBAI AND ORS

...
Advocate for Applicant : Mr. Avishkar S. Shelke.
AGP for Respondent/State : Mr. P. D. Patil.
Advocate for Respondent Nos.1a To 1d : Mr. L. C. Patil.

...
AND

**CIVIL APPLICATION NO. 11147 OF 2024
IN FA/1088/2022**

BHIMASHAPPA HIRANAPPA MULE (DEAD) THR LRS SURESH DIED
THR. LRS. SHASHIKALA AND ORS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND ORS

...
Advocate for Applicant : Mr. Laxmikant C. Patil.
AGP for Respondent/State : Mr. P. D. Patil.

...
AND

**CIVIL APPLICATION NO. 11148 OF 2024
IN FA/1089/2022**

DATTATRYA BASAWANAPPA BARULE DIED THR. LRS. SINDHUBI
BARULE AND ORS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND ORS

...
Advocate for Applicant : Mr. Laxmikant C. Patil.
AGP for Respondent/State : Mr. P. D. Patil.
...

AND
CIVIL APPLICATION NO. 11149 OF 2024
IN FA/1089/2022

DATTATRYA BASAWANAPPA BARULE DIED THR LRS. SINDHUBAI AND
ORS
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND ORS

...
Advocate for Applicant : Mr. Laxmikant C. Patil.
AGP for Respondent/State : Mr. P. D. Patil.
...

CORAM : **KISHORE C. SANT, J.**

DATE : 17th October, 2024.

P.C.:

. Heard the learned counsel for the parties.

CIVIL APPLICATION NO. 11147 OF 2024

2 This application is filed for bringing on record the heirs of deceased Suresh Mule, who died on 13th April, 2021. His heirs are shown in paragraph No.2 i.e. present applicants. While filing this application, there is delay of 850 days. For the reasons stated in the application, the delay stands condoned. The application stands allowed. Necessary amendment be carried out within four weeks from today.

CIVIL APPLICATION NO. 11148 OF 2024

3 This application is filed for bringing on record the heirs of deceased Dattatraya Barule, who died on 2nd December, 2021. His

heirs are shown in paragraph No.2, who are also present applicants. While filing this application, there is delay of 850 days. For the reasons stated in the application, the delay stands condoned. The application stands allowed. Necessary amendment be carried out within four weeks from today.

Stay applications:

4 Since 75% amount is deposited by the appellant /acquiring body, there shall be stay to the impugned judgment and order till disposal of the appeals. The applications stand disposed of.

Appeals:

5 Heard.

6 **Admit.**

7 Issue notice to respondents. Mr. L. C. Patil, learned counsel waives notice on behalf of respondents/ claimants on admission. The learned AGP waives notice on behalf of the State and the Deputy Collector / Special Land Acquisition Officer on admission.

The applications for withdrawal of amount:

(CIVIL APPLICATION NOS. 11149 AND 11145 OF 2024)

8 The applicants are praying for withdrawal of the amount deposited by the acquiring body in this Court. The amount is only 75% of the total amount awarded by the Reference Court. Mr. Shelke,

learned counsel opposes the applications stating that the Court has not done any exercise to come to the proper valuation of the property. The Court has simply taken the value of the Government valuer and claimants' valuer and made average of both the valuations and awarded the compensation. He submits that the amount of compensation has gone to much higher rate. However, considering that in the application filed by Dattatrya (CIVIL APPLICATION NO. 11149 OF 2024) the total value of compensation awarded is Rs.1,99,225/- and in the case of Bhimashappa (CIVIL APPLICATION NO. 11145 OF 2024), the amount is only Rs.3,37,000/-. This Court finds that the amounts are so meager. The acquiring body has deposited only 75% of the amount of compensation awarded by the Reference Court. This Court finds that in the interest of justice, the applicants can be permitted to withdraw the amount on furnishing usual undertaking. Hence, the following order:-

ORDER

- I. The applicants are permitted to withdraw the entire amount deposited by the acquiring body in this Court alongwith accrued interest on furnishing usual undertaking.
- II. With this, both the civil applications for withdrawal of amount stand disposed of.

[KISHORE C. SANT, J.]