



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

**CIVIL APPLICATION NO. 481 OF 2022
IN FA/4042/2023**

**THE EX. ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIVISION OMERGA AND ORS**

VERSUS

**SIDARAM SATAPPA CHAUGULE (DIED) THR
LRS MAHADEO**

....

Advocate for the Applicant : Mr. R. A. Tambe
Advocate for Respondent : Mr. A. B. Kale

....

WITH

**CIVIL APPLICATION NO. 480 OF 2022
IN FA/4040/2023**

**THE EX. ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIVISION OMERGA AND ORS**

VERSUS

**TRIMBAK NAMDEO KOKATE (DIED) THR LRS
GUNDU**

....

Advocate for the Applicant : Mr. R. A. Tambe
Advocate for Respondent : Mr. A. B. Kale

....

WITH

**CIVIL APPLICATION NO. 477 OF 2022
IN FA/4038/2023**

**THE EX. ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIVISION OMERGA AND ORS**

VERSUS

AMBADAS NAMDEO IGAVE AND OTHERS

....

Advocate for the Applicant : Mr. R. A. Tambe

Advocate for Respondent : Mr. A. B. Kale

....

WITH

CIVIL APPLICATION NO. 478 OF 2022

IN FA/4039/2023

**THE EX. ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIVISION OMERGA AND ORS**

VERSUS

BABU SIDRAM TELIKUNE

....

Advocate for the Applicant : Mr. R. A. Tambe

Advocate for Respondent : Mr. A. B. Kale

....

WITH

CIVIL APPLICATION NO. 482 OF 2022

IN FA/4041/2023

**THE EX. ENGINEER, IRRIGATION DEPARTMENT
STRENGTHENING DIVISION OMERGA AND ORS**

VERSUS

**UDHAVA BHIMRAO MANE (DIED) THR LRS
SHOBHA U MANE**

....

Advocate for the Applicant : Mr. R. A. Tambe

Advocate for Respondent : Mr. A. B. Kale

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CORAM : S. G. MEHARE, J.

DATE : 02.02.2024

PER COURT :

1. Heard the learned counsel for the applicants.
2. This Court by order dated 07.01.2021 passed in Civil Application Nos. 245, 246, 249, 252, 255 of 2021 has ordered the appellant to deposit the entire compensation amount. The appellant has accordingly deposited the same.
3. Now the learned counsel for the appellant would submit that the Hon'ble Supreme Court in the case of *The Executive Engineer, M.I.W. Versus Vitthal Damodar Patil and Another SLP (Civil) No. 11433 of 2019 dated July 1, 2019* held that valuation report done in the absence of the Acquiring Body is not admissible in evidence. The same thing happened in this case. Therefore, the order directing to deposit 100% compensation be modified and may be brought to 25%.
4. The award of the reference has been impugned. The reference Court has considered the various factors as enumerated in the Land Acquisition Act. The evidence was led before the reference Court. The

appellant has contested the reference. Whether such objection was taken or not or if the objections were taken those have been considered before the reference Court.

5. The Court is of the candid view that these are no circumstances to modify the order of depositing the 100% amount. The admissibility of such evidence would be tested when the matter is finally heard. The learned counsel for the appellant also added that the reference Court itself has doubted the valuation report. However, illegally granted the interest from the date of possession instead of said award. Therefore, also the order is required to be modified.

6. The Court is not satisfied that such is a ground to modify the order depositing 100% amount at this stage. Hence the applications are rejected.

(S. G. MEHARE)
JUDGE

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