



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

71. CIVIL APPLICATION NO. 539 OF 2024
IN
FIRST APPEAL/2729/2023

RAFIK S/O VAJIRODDIN SAYYAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR
OSMANABAD

WITH
CIVIL APPLICATION NO. 5101 OF 2023
IN
FIRST APPEAL No. 2729 OF 2023

THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT
STRENGTHNING DIVISION OMERGA
VERSUS
RAFIK VAJIRODDIN SAYYAD

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Advocate for Applicant : Mr. L. C. Patil
A.G.P for Respondent Nos. 1 and 2 : Mr. A. S. Shinde
Advocate for Respondent No.3 : Mr. V. P. Narwade

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CORAM : S. G. MEHARE, J.
DATE : 19.01.2024

ORDER :

1. Heard the learned counsel for the applicant and the learned counsel for the appellant/Acquiring Body.

2. In similarly situated case this Court by order on 31st October 2023 allowed the applicant to withdraw the amount. Hence, the order.

ORDER

- (i) The application is partly allowed.
- (ii) Applicants are allowed to withdraw 75% of the total amount of compensation. 50% amount be released on the usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court and 25% on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. The remaining amount be kept in fixed deposit in any Nationalized Bank on the yearly renewal basis.

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- 3. The applicants have moved this application for stay to the impugned judgment and award.
- 4. Heard the learned counsel for the applicants and the learned counsel for the respondents.
- 5. The learned counsel for the applicant submitted that the entire amount of compensation has been deposited. Hence, the impugned award may be stayed. Hence, the following order :-

ORDER

- (i) The application is allowed.

- (ii) The office is directed to register the appeals.
 - (iii) The implementation, effect and operation of the impugned award is stayed till the conclusion of the appeals.
6. Issue notice to the respondents after admission. The learned A.G.P waives service of notice for respondent State.
7. The learned counsel Mr. L. C. Patil waives service of notice for the respondent.
8. Call record and proceedings.
9. List the matter in due course.

(S. G. MEHARE)
JUDGE

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