



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

**927 CIVIL APPLICATION NO. 11065 OF 2024
IN FAST/16719/2023**

RAJENDRA GANGAYYA SWAMI

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR OSMANABAD
AND ORS

WITH

**CIVIL APPLICATION NO. 9869 OF 2023
WITH FAST/16719/2023**

THE EX. ENGINEER, MINOR IRRIGATION DIV. OSMANABAD THR
G.M.I.D.C, AURANGABAD

VERSUS

RAJENDRA GANGAYYA SWAMI AND ORS

WITH

**CIVIL APPLICATION NO. 9870 OF 2023
WITH FAST/16719/2023**

THE EX. ENGINEER, MINOR IRRIGATION DIV. OSMANABAD THR
G.M.I.D.C, AURANGABAD

VERSUS

RAJENDRA GANGAYYA SWAMI AND ORS

Mr.A.B. Kale, Advocate for the applicant-claimant.

Mr.K.B. Jadhavar, AGP for the respondent-State.

Mr.M.C. swami, Advocate for respondent-acquiring body.

CORAM : KISHORE C. SANT, J.

DATE : 18.10.2024

PC :-

CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT

01. Heard learned Advocate for the applicant. He relies on order passed by this Court in Court in CA No. 11987 of 2023 dated 05.04.2024,

wherein this Court allowed the applicant therein to withdraw 75% of the amount on furnishing usual undertaking. He prays that the same order be passed in this application. The learned Advocate for the acquiring body Mr. Swami opposes the application stating that enhancement is more than 28 times. He submits that while considering the sale instance, same are concerned after the notification under section 4 of the Land Acquisition Act was issued and thus the such sale instances could not have been considered by the learned Reference Court.

02. Considering that even after granting compensation 28 times, still amount is around Rs.20 lakhs and the lands acquired were only small strip required for canal, this Court is inclined to allow the application with following terms :-

ORDER

- (i) The applicants are permitted to withdraw 75% of the amount deposited in this Court along with accrued interest on furnishing usual undertaking.
- (ii) Remaining amount shall be kept in fixed deposit in any nationalized bank, to be renewed from time to time till disposal of the appeal.
- (iii) The civil application stands disposed off.

CIVIL APPLICATION FOR CONDONATION OF DELAY

01. For the reasons stated in the application, the delay stands condoned. The application is allowed and is disposed off. The First

Appeal be registered.

CIVIL APPLICATION FOR STAY.

01. Since the amount as per the award is already deposited, there shall be stay in terms of prayer clause (B). The civil application for stay accordingly stands allowed and is disposed off.

FIRST APPEAL

01. Issue notice to the respondents, returnable on 03.01.2025. Learned Advocate Mr. Kale waives service of notice for respondent No.1. Learned AGP waives service of notice for respondent Nos. 2 and 3.

[KISHORE C. SANT, J.]