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

**960 CIVIL APPLICATION NO. 10777 OF 2025
IN FAST/18774/2024**

MAROTI SHANKAR DHANEGAVE

VERSUS

THE EXECUTIVE ENGINEER LATUR MEDUIM

WITH

**CIVIL APPLICATION NO. 6960 OF 2024
IN FAST/18774/2024**

THE EXECUTIVE ENGINEER, LATUR MEDUIM PROJECT DIVISION, LATUR
AND ORS

VERSUS

MAROTI SHANKAR DHANEGAVE

WITH

**CIVIL APPLICATION NO. 6958 OF 2024
IN FAST/18774/2024**

Mr. C.V. Bodkhe, Advocate for the applicant/claimant.

Ms.Chaitali Choudhari Kutti, Advocate for the Acquiring Body.

CORAM : KISHORE C. SANT, J.

DATE : 30.09.2025

PC :-

CIVIL APPLICATION FOR CONDONATION OF DELAY

01. Heard. This application is filed for withdrawal of the amount deposited by the appellant/acquiring body in this Court towards compensation, as enhanced by the learned Reference Court. The learned Special Land Acquisition Officer had awarded compensation @ Rs.12,26,000/- per hectare. Total amount of amount awarded is Rs. 6,60,340/-.

02. Learned Advocate for the Acquiring Body vehemently opposes the application. She submits that the learned Reference Court has committed error by relying upon sale instances which have taken place after the date of notification under section 4 of the Land Acquisition Act and therefore those could not have been relied upon. Section 4 notification is issued on 17.07.2007; whereas sale instance Exh. 23 is dated 03.10.2007 and another sale instance Exh. 24 is dated 15.02.2008. She further submits that the enhancement is 11 times of the amount awarded by the learned SLAO.

03. This Court considered the submissions. The learned Reference Court considered the market value as prevailing in the year 2007. Considering the above, this Court is inclined to allow this application partly.

04. This Civil Application is allowed. The applicants are entitled to receive 50% of the deposited amount with accrued interest on furnishing usual undertaking. 25% of the deposited amount along with accrued interest is permitted to be withdrawn by furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court. Remaining amount shall be invested in fixed deposit of any nationalized bank to be renewed from time to time till disposal of the appeal.

CIVIL APPLICATION FOR STAY

01. Since the applicant-Acquiring Body has already deposited the

amount in the office of this Court, there shall be stay to the impugned judgment and award, till disposal of the appeal.

02. This Civil Application for stay is accordingly allowed and stands disposed off.

FIRST APPEAL

01. Heard.

02. Admit.

03. Call for record and proceedings.

[KISHORE C. SANT, J.]