



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

**CIVIL APPLICATION NO. 8090 OF 2024
IN FA/3231/2019**

**JALINDAR S/O KARBHARI NEHARKAR AND OTHERS
VERSUS**

**GODAVARI MARATHWADA IRRIGATION DEVELOPMENT
CORPORATION, THR. THE EXECUTIVE ENGINEER, BEED**

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Advocate for Applicants : Mr.Ramraje Deshmukh

Advocate for Respondent no.1 : Mr. Anil M. Gaikwad

AGP for Respondent nos.2 & 3 : Mrs.A.S.Mantri

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**WITH CIVIL APPLICATION NO. 8084 OF 2024 IN FA/3234/2019
WITH CIVIL APPLICATION NO. 8875 OF 2024 IN FA/1813/2020
WITH CIVIL APPLICATION NO. 8876 OF 2024 IN FA/1812/2020
WITH CIVIL APPLICATION NO. 8083 OF 2024 IN FA/3235/2019
WITH CIVIL APPLICATION NO. 8086 OF 2024 IN FA/3233/2019
WITH CIVIL APPLICATION NO. 8085 OF 2024 IN FA/3232/2019
WITH CIVIL APPLICATION NO. 8900 OF 2024 IN FA/1810/2020
WITH CIVIL APPLICATION NO. 8917 OF 2024 IN FA/1811/2020**

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 26 SEPTEMBER, 2025

PRONOUNCED ON : 09 OCTOBER, 2025

ORDER :-

1. Heard.
2. Instant applications by original landowners, whose lands stood acquired by respondent no.1/acquiring body, are for withdrawal of amount.

3. Land of applicants came to be acquired by original respondent no.3/acquiring body for the purpose of construction of storage tank at Chardari, Tq.Wadwani, District Beed. Special Land Acquisition Officer (SLAO) awarded compensation @ Rs.345/- per Are in some cases and Rs.280/- per Are in some cases as per categories of land. Applicants/landowners took the money under protest and approached Reference Court seeking enhancement. By Judgment and order dated 30-04-2016, the learned Reference Court, after hearing both the sides, was pleased to enhance compensation to the tune of Rs.3,750/- per Are against which acquiring body seems to have come in appeal, precisely on the ground that, learned Reference Court has enhanced compensation at enormously exorbitant rate, which is almost ten times the rate awarded by the SLAO. Said appeals are pending herein.

4. Learned counsel for applicants pointed out that total decretal amount for the acquisition goes to over Rs.7 crores. That, in fact acquiring body, at the time of appeal before this Court, deposited only Rs.5 crores and some odd amount that too

in two installments. Thus, entire decretal amount is not deposited by acquiring body, in spite of acquiring lands of landowners decades back. He emphasized that original landowners have lost their lands decades back, which was their sole source of income and moreover, now their amounts, which they are entitled to receive, are lying in this Court and landowners are in need of money for their means and survival. Learned counsel pointed out that till date only 65% amount of the total decretal amount is deposited. He further pointed out that, this Court by order dated 08-09-2020, permitted applicants to withdraw the 50% of deposited amount in five appeals on regular undertakings, which are already done.

5. He further pointed out that, in 2024, again demand for withdrawal of the remaining amount was put up and that, this Court by distinct orders dated 06-09-2024, was pleased to allow withdrawal 25% of the deposited amount with proportionate interest accrued thereupon in six appeals and 50% of the deposited amount with proportionate interest accrued thereon in four appeals. Further this Court, by order dated 18-09-2024,

also granted liberty to the present applicants to renew their request for withdrawal of amount after it is deposited by the acquiring body. He also submits that interest on the awarded amount is not yet deposited by the acquiring body.

Learned counsel placed on record all such orders for kind consideration of this Court and urged again to permit applicants to withdraw amount lying in this Court, which has remained after initial withdrawal.

6. Learned counsel for respondent no.1/acquiring body took strong objection by inviting attention of this Court to the order dated 08-09-2020 and submitted that, this Court in clear terms has observed that enhancement of compensation is ten times more than the compensation awarded by SLAO and as such there is arguable case to be considered in appeals. He further submitted that, such observations of this Court clearly show that there is a good case on merits in appeals, which are pending and if claimants are allowed to withdraw remaining amount also, then their right of appeal would get frustrated and further rendering it difficult to recover the amount, if appeal goes their

way. For all above reasons, present applications are opposed.

7. In the light of above cases and counter cases for withdrawal, it is emerging that after land acquisition by Government, SLAO granted compensation @ 345/- per Are in some cases and Rs.280/- per Are in some cases. Reference Court's order shows that this amount of compensation is enhanced to Rs.3,750/- per Are, which is almost ten times the initial amount of compensation. There is no dispute that this Court by order dated 08-09-2020, in appeals by the acquiring body, permitted withdrawal of 50% of deposited amount, however, in paragraph 6, it is clearly observed that, compensation being ten times more than the compensation awarded by the SLAO, in the view of the Court, there is an arguable case to be considered in appeals, meaning thereby that there is merit in the appeals of acquiring body, which is yet to be taken up for decision.

8. No doubt, as submitted by learned counsel for applicants/landowners, total decretal amount for compensation is said to be running in Rs.7 crores and some odd

amount. Learned counsel for acquiring body, on court query, submitted and even learned counsel for applicants/landowners agreed that, as on today, acquiring body has deposited Rs.5 crores and some add amount, which is said to be 65% of the decretal amount. By virtue of above mentioned orders, part amount alongwith interest accrued thereon is already withdrawn by the applicants. Thus, actual amount as on today remained in the Court is to the tune of Rs.2,57,33,535/- and interest over it, is reported to be Rs.71,45,555/-. Thus, in all, as on 04-10-2025, amount lying in this Court is Rs.3,28,79,090/-.

9. Above discussion shows that appeals are of 2019 and 2020 i.e. six years back. In consequence of order of this Court dated 18-09-2024, permitting landowners to renew their request, present applications for further withdrawal are pressed into service. What is obvious from above discussion is that current prayer for withdrawal of amount is only from the amount deposited by acquiring body till date in this Court.

10. Hence, taking into account the fact that lands of applicants are already acquired by the acquiring body in the year 1998, at

this stage, this Court is inclined to allow applicants to withdraw 12% of balance of deposited amount of their share in respective appeals on usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court. Accordingly, following order is passed:

ORDER

(I) The applicants – claimants in respective appeals are permitted to withdraw 12 % of the balance of deposited amount in respective appeals on furnishing undertaking to the effect that in the event the award is set aside or modified, the applicants - claimants shall re-deposit the amount within eight weeks from the date of such order.

(II) After making payment to the extent of 12%, balance of deposited amount be invested in fixed deposit with State Bank of India initially for a period of three years with standing instructions to renew the same till further orders from the Court.

(III) Payment to be made to the applicants – claimants by transferring the amount in their individual saving bank accounts as per the particulars to be furnished by the applicants.

(ABHAY S. WAGHWASE)
JUDGE