



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

69 CIVIL APPLICATION NO. 9867 OF 2025 (Withdrawal)
IN FA/2325/2025

SUBHASH DEORAO SABLE DIED HIS LRS GORAKH SUBHASH SABLE AND
ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AT
OSMANABAD AND ORS

...

Mr. A. S. More, Advocate for Applicants
Mr. S. V. Hange, AGP for Respondents-State
Mr. P. A. Pisal, Advocate for Respondent No.3

WITH

CIVIL APPLICATION NO. 10104 OF 2024 (Stay)
IN FA/2325/2025

THE EXECUTIVE ENGINEER SINA KOLEGAON PROJECT SINA KOLEGAON
COLONY PARANDA TAL PARANDA DIST OSMANABA

VERSUS

SUBHASH DEORAO SABLE DIED THROUGH LRS GORAKH SUBHASH SABLE

AND

70 CIVIL APPLICATION NO. 9869 OF 2025 (Withdrawal)
IN FAST/19808/2024

TUKARAM MARUTI INGALE MOKASHI DIED HIS LRS I E APPLICANT NO 4
TO 6 AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AT
OSMANABAD AND ORS

...

Mr. A. S. More, Advocate for Applicants
Mrs. M. N. Ghanekar, AGP for Respondents-State
Mr. G. S. Khaire h/f. Mr. S. S. Dande, Advocate for Respondent No.3

WITH
CIVIL APPLICATION NO. 9239 OF 2024 (Delay)
IN FAST/19808/2024

THE EXECUTIVE ENGINEER SINA KOLEGAON PROJECT PARANDA,
OSMANABAD AND ORS

VERSUS

TUKARAM MARUTI INGALE (MOKASHI) DIED THR LRS LAXMAN TUKARAM
INGALE (MOKASHI) AND ORS

WITH
CIVIL APPLICATION NO. 9240 OF 2024 (Stay)
IN FAST/19808/2024

THE EXECUTIVE ENGINEER SINA KOLEGAON PROJECT PARANDA,
OSMANABAD AND ORS

VERSUS

TUKARAM MARUTI INGALE (MOKASHI) DIED THR LRS LAXMAN TUKARAM
INGALE (MOKASHI) AND ORS

AND
71 CIVIL APPLICATION NO. 9872 OF 2025 (Withdrawal)
IN FA/274/2025

BABASAHEB DEORAO SABLE DIED HIS LRS PANDIT BABASAHEB SABLE
AND ANR

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AT
OSMANABAD AND ORS

...

Mr. A. S. More, Advocate for Applicants
Mr. S. V. Hange, AGP for Respondents-State
Mr. P. A. Pisal, Advocate for Respondent No.3

WITH
CIVIL APPLICATION NO. 7457 OF 2024 (Stay)
IN FA/274/2025

THE EX. ENGINEER SEENA KOLEGAON PROJECT AT PARANDA
VERSUS
BABASAHEB DEORAO SABLE DIED THROUGH HIS LRS PANDIT BABASAHEB
SABLE

AND
72 CIVIL APPLICATION NO. 9873 OF 2025 (Withdrawal)
IN FAST/20609/2024

BHASKAR APPARAO SABALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AT
OSMANABAD AND ORS

...

Mr. A. S. More, Advocate for Applicant
Mrs. M. N. Ghanekar, AGP for Respondents-State
Mr. A. S. Shelke, Advocate for Respondent No.3

WITH
CIVIL APPLICATION NO. 9459 OF 2024 (Delay)
IN FAST/20609/2024

EXECUTIVE ENGINEER SINA KOLEGAON PROJECT DIVISION PARANDA
VERSUS
BHASKAR APPARAO SABALE AND ORS

WITH
CIVIL APPLICATION NO. 9460 OF 2024 (Stay)
IN FAST/20609/2024

EXECUTIVE ENGINEER SINA KOLEGAON PROJECT DIVISION PARANDA
VERSUS
BHASKAR APPARAO SABALE AND ORS

AND
73 CIVIL APPLICATION NO. 9886 OF 2025 (Withdrawal)
IN FAST/19013/2024

ANKUSH YADAV MISKIN
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AT
OSMANABAD AND ORS

...

Mr. A. S. More, Advocate for Applicant
Mr. S. V. Hange, AGP for Respondents-State
Mr. A. H. Koralkar, Advocate for Respondent No.3

WITH
CIVIL APPLICATION NO. 9119 OF 2024 (Delay)
IN FAST/19013/2024

EXECUTIVE ENGINEER EXECUTIVE ENGINEER SINA KOLEGAON, PROJECT
SINA KOLEGAON COLONY PARANDA

VERSUS
ANKUSH YADAV MISKIN AND ORS

AND
74 CIVIL APPLICATION NO. 9887 OF 2025 (Withdrawal)
IN FAST/20612/2024

SARJERAO BALBHIM MISKIN DIED HIS LRS MALAN SARJERAO MISKIN AND
ORS

VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AT
OSMANABAD AND ORS

...

Mr. A. S. More, Advocate for Applicants
Mrs. M. N. Ghanekar, AGP for Respondents-State
Mr. A. S. Shelke, Advocate for Respondent No.3

WITH
CIVIL APPLICATION NO. 9469 OF 2024 (Delay)
IN FAST/20612/2024

EXECUTIVE ENGINEER SINA KOLEGAON PROJECT DIVISION PARANDA

VERSUS

BHAURAO @ BHAUSAHEB SARJERAO MISKIN AND ORS

WITH

CIVIL APPLICATION NO. 9470 OF 2024 (Stay)
IN FAST/20612/2024

EXECUTIVE ENGINEER SINA KOLEGAON PROJECT DIVISION PARANDA

VERSUS

BHAURAO @ BHAUSAHEB SARJERAO MISKIN AND ORS

AND

75 CIVIL APPLICATION NO. 9893 OF 2025 (Withdrawal)
IN FAST/21878/2024

TUKARAM RAMBHAU KHAIRE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AT
OSMANABAD AND ORS

...

Mr. A. S. More, Advocate for Applicant

Mr. S. V. Hange, AGP for Respondents-State

Mr. Satish Bappasaheb Parnere, Advocate for Respondent No.3

WITH

CIVIL APPLICATION NO. 9338 OF 2024 (Delay)
IN FAST/21878/2024

THE EXECUTIVE ENGINEER, SINA KOLEGAON PROJECT, PARANDA, DIST.
OSMANABAD.

VERSUS

TUKARAM S/O RAMBHAU KHAIRE AND ORS

WITH

CIVIL APPLICATION NO. 9630 OF 2024 (Stay)
IN FAST/21878/2024

THE EXECUTIVE ENGINEER, SINA KOLEGAON PROJECT, PARANDA, DIST.

OSMANABAD.

VERSUS

TUKARAM S/O RAMBHAU KHAIRE AND ORS

AND

76 CIVIL APPLICATION NO. 9900 OF 2025 (Withdrawal)
IN FAST/20597/2024

BALBHIM RAMBHAU MISKIN AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR OSMANABAD

...

Mr. A. S. More, Advocate for Applicants

Mrs. M. N. Ghanekar, AGP for Respondents-State

Mr. A. S. Shelke, Advocate for Respondent No.3

WITH

CIVIL APPLICATION NO. 9474 OF 2024 (Delay)
IN FAST/20597/2024

EXECUTIVE ENGINEER SINA KOLEGAON PROJECT DIVISION PARANDA

VERSUS

BALBHIM RAMBHAU MISKIN AND ORS

WITH

CIVIL APPLICATION NO. 9475 OF 2024 (Stay)
IN FAST/20597/2024

EXECUTIVE ENGINEER SINA KOLEGAON PROJECT DIVISION PARANDA

VERSUS

BALBHIM RAMBHAU MISKIN AND ORS

AND

77 CIVIL APPLICATION NO. 9902 OF 2025 (Withdrawal)
IN FAST/19824/2024

WAMAN GANPATI CHAVAN AND ANR

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AT
OSMANABAD AND ORS

...

Mr. A. S. More, Advocate for Applicants

Mr. S. V. Hange, AGP for Respondents-State

Mr. G. S. Khaire h/f. Mr. S. S. Dande, Advocate for Respondent-Acquiring body

WITH
CIVIL APPLICATION NO. 9241 OF 2024 (Delay)
IN FAST/19824/2024

THE EXECUTIVE ENGINEER SINNA KOLEGAON PROJECT PARANDA
OSMANABAD AND ORS

VERSUS

WAMAN GANPATI CHAVAN AND ANR

WITH
CIVIL APPLICATION NO. 9242 OF 2024 (Stay)
IN FAST/19824/2024

THE EXECUTIVE ENGINEER SINNA KOLEGAON PROJECT PARANDA
OSMANABAD AND ORS

VERSUS

WAMAN GANPATI CHAVAN AND ANR

AND
78 CIVIL APPLICATION NO. 9905 OF 2025 (Withdrawal)
IN FAST/9612/2024

KANTILAL DADARAO YADAV

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AT
OSMANABAD AND ORS

...

Mr. A. S. More, Advocate for Applicant

Mrs. M. N. Ghanekar, AGP for Respondents-State

Mr. G. S. Khaire h/f. Mr. S. S. Dande, Advocate for Respondent No.3

WITH
CIVIL APPLICATION NO. 6244 OF 2024 (Delay)
IN FAST/9612/2024

THE EXECUTIVE ENGINEER MEDIUM PROJECT SAMATA NAGAR
OSMANABAD DIST. OSMANABAD AND ORS

VERSUS
KANTILAL DADARAO YADAV

WITH
CIVIL APPLICATION NO. 6245 OF 2024 (Stay)
IN FAST/9612/2024

THE EXECUTIVE ENGINEER MEDIUM PROJECT SAMATA NAGAR
OSMANABAD DIST. OSMANABAD AND ORS

VERSUS
KANTILAL DADARAO YADAV

WITH
CIVIL APPLICATION NO. 6242 OF 2024 (Delay)
IN FAST/9609/2024

THE EXECUTIVE ENGINEER MEDIUM PROJECT SAMATA NAGAR
OSMANABAD DIST. OSMANABAD AND ORS

VERSUS
DNYANDEO SHANKAR HUKE

WITH
CIVIL APPLICATION NO. 6243 OF 2024 (Stay)
IN FAST/9609/2024

THE EXECUTIVE ENGINEER MEDIUM PROJECT SAMATA NAGAR
OSMANABAD DIST. OSMANABAD AND ORS

VERSUS
DNYANDEO SHANKAR HUKE

WITH
CIVIL APPLICATION NO. 9906 OF 2025 (Withdrawal)

IN FAST/9609/2024

DNYANDEO SHANKAR HUKE

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR AT
OSMANABAD AND ORS**

...

CORAM : SHAILESH P. BRAHME, J.

DATE : 27.11.2025

PER COURT :-

CIVIL APPLICATIONS FOR WITHDRAWAL OF AMOUNT

. Heard both sides.

2. In this group of appeals, applicants/original claimants are seeking withdrawal of the amounts deposited by the respondent-acquiring body.

3. Learned counsel Mr. More for the applicants/claimants relies on the orders passed by the coordinate benches, permitting the claimants to receive entire deposited amounts with accrued interest on furnishing undertaking, where deposits are to the extent of 50% of the total compensation amount and where the deposits are to the extent of 75% of the total compensation amount, the bifurcation is 75% of the deposited amount on furnishing undertaking and 25% of the deposited amount on furnishing solvent surety/security.

4. It is submitted that the acquisition is in respect of house properties.

5. The applications are contested by learned counsels for the respondent-acquiring body in their respective applications. The learned counsels appearing for the acquiring body have serious objection for disbursement of the amounts. Learned counsel Mr. Shelke among others, would submit that the Reference Court has committed grave error of jurisdiction and applicants/claimants have not entitled to any enhancement. It is submitted that no endeavor was made by the Reference Court to examine the similarity, parity or entitlement of the claimants involved in LAR No.594 of 2011 and the connected matters. It is submitted that matters need to be remitted back to the Reference Court for not conducting enquiry as per Section 28 (A) (3) of the Land Acquisition Act. It is further submitted that the ground of parity cannot be made applicable blanketly in the present matters.

6. I have considered rival submissions of the parties. The impugned judgment does not show the formation of specific issue as required under Section 28 (A) (3) of the Land Acquisition Act. However, in the body of the judgment there is a discussion. The rate granted in LAR No. 594 of 2011 and

connected matters is dealt with by the Reference Court. Prima facie, I cannot accept the submissions of learned counsels for the acquiring body that absolutely there was no assessment in view of Section 28(A) (3) of the Land Acquisition Act. The house properties are involved in the acquisition proceedings. In some of the matters 50% of the amount with accrued interest has been deposited. In other matters, 75% of the amount with accrued interest has been deposited and in the remaining two matters, the entire amount has been deposited by the acquiring body. The interest of the acquiring body can be subverted by imposing conditions. The coordinate benches have already taken view and I am consistent with the earlier view.

7. Civil Applications are partly allowed.

8. Applicants in First Appeals in which acquiring body has deposited 50% of the compensation amount shall be entitled to receive deposited amount with accrued interest on furnishing undertaking to the satisfaction of the learned Registrar (Judicial) of this Court.

9. Applicants in First Appeals in which acquiring body has deposited 75% of the compensation amount with accrued interest shall be entitled to receive 75% of the amount with accrued interest on furnishing undertaking to the satisfaction of the learned Registrar (Judicial) of this Court and further

25% of the amount on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

10. Applicants in First Appeals in which acquiring body has deposited entire amount shall be entitled to receive 50% of the deposited amount with accrued interest on furnishing undertaking to the satisfaction of the learned Registrar (Judicial) of this Court and 25% of the deposited amount with accrued interest on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.

CIVIL APPLICATIONS FOR DELAY

. The acquiring body seeks to condone the delay.

2. For the reasons stated in the applications, it is desirable to condone the delay. The opponents have not controverted the contents of the applications.

3. The delay, if any, shall stand condoned.

FIRST APPEALS

. Issue notice for final disposal to the respondents, returnable on 19.01.2026. Learned AGPs waive service of notice for respondent/State in respective appeals. Mr. P. A. Pisal, Mr. G. S. Khairi h/f. Mr. S. S. Dande, Mr. A. S. Shelke, Mr. A. H. Koralkar, Mr. Satish Bappasaheb Parnare, learned counsels

waive service of notice for respondent-acquiring body in respective appeals.

2. Call for Record and Proceeding. Print is dispensed with.
3. It is indicated that the matters shall be decided finally at the admission stage.
4. It would be open to the parties to mention the matters which are left out from the group.
5. Needless to state that, the deficit court fees shall be paid by the next date.

CIVIL APPLICATIONS FOR STAY

- . As the acquiring body has deposited the amount in this Court, stay granted earlier shall stands confirmed.
2. Civil Applications are disposed of.

(SHAILESH P. BRAHME, J.)