



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

**CIVIL APPLICATION NO. 8798 OF 2025
IN
FIRST APPEAL STAMP NO. 2473 OF 2024**

Girish Ramanlal Jain .. Applicant
Versus
The Executive Engineer Laghu
Patbhandhare Vibhag Dhule
and others .. Respondents

**WITH
CIVIL APPLICATION NO. 8799 OF 2025
IN
FIRST APPEAL STAMP NO. 2477 OF 2024**

Devidas Jayram Patil .. Applicant
Versus
The Executive Engineer Laghu
Patbhandhare Vibhag Dhule
and others .. Respondents

**WITH
CIVIL APPLICATION NO. 8800 OF 2025
IN
FIRST APPEAL STAMP NO. 2470 OF 2024**

Gokul Baburao Patil .. Applicant
Versus
The Executive Engineer Laghu
Patbhandhare Vibhag Dhule
and others .. Respondents

Shri A. B. Kale, Advocate for the Applicant in both matters.
Shri Ajay D. Pawar, Advocate for the Respondent No. 1 in both matters.
Shri D. B. Bhange, A.G.P. for the Respondent Nos. 2 to 4 in both matters.

CORAM : SHAILESH P. BRAHME, J.

DATE : 14TH AUGUST, 2025.

FINAL ORDER :

. Heard both sides. Learned counsel for the applicants submits that the respondent No. 1 – acquiring body has taken out exception only in three matters. In rest of the matters compensation has been disbursed to the claimants. Only when the execution is pressed hard, acquiring body rushed this Court in preferring appeals. The claimants could receive paltry amount before the Executing Court. For the balance amount of compensation they are required to wait for considerable period, which is causing great prejudice. It is further pointed out that the compensation towards trees is based upon the award passed by the Special Land Acquisition Officer. It is vehemently contended that the respondent authority did not raise timely objection during the process when award was prepared, the attitude of the respondent authority is discriminatory. It is therefore contended that applicants are entitled to receive entire amount deposited by the acquiring body.

2. Per contra, Mr. Ajay Pawar, learned counsel for the respondent - acquiring body would submit that compensation of the trees has been questioned. Within a very small area of land number of trees are shown, which is impossible. It is submitted that almost 22% of the compensation was deposited before the Executing Court and has been withdrawn by the present

claimants. It is contended that the impugned judgment is self contradictory and vulnerable. The evidence on record shows that no trees are there. Despite that unreasonable and huge compensation has been awarded by the Reference Court. It is further submitted that the interest has been awarded from the date of notification instead of date of award. The report of the private valuer pressed into service is vulnerable and suspicious.

3. I have considered rival submissions of the parties. The respondent – acquiring body has deposited Rs. 86,49,859/- in appeal of Mr. Girish Ramanlal Jain, Rs. 1,24,94,084/- in appeal of Devidas Jayram Patil and Rs. 1,47,69,420/- in the appeal of Gokul Baburao Patil i. e. present matters. It transpires from the submissions of the parties that claimants are disbursed with near about 22% of the compensation before the Executing Court. The amount deposited in this Court is the balance amount. The submissions of the parties and the observations on merits of the matters can be dealt with during the course of final hearing of the appeals.

4. The submissions of the learned counsel for the respondent – acquiring body that interest has been awarded from the date of notification instead of awarding it from the date of award deserves consideration. However, at the same time as I have recorded in my order in the applications for condonation of delay, equities will have to be balanced. In similarly situated matters the respondent – acquiring body did not prefer any appeal,

however, appeals are preferred in these matters only, albeit, the right to prefer appeal cannot be objected on that ground. Considering overall circumstances, ends of justice would be met in partly allowing the applications.

5. The civil applications are allowed partly by permitting the applicants to receive 70% of the amount deposited on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court. Balance amount shall be invested in any nationalized bank. The civil applications are disposed of.

[SHAILESH P. BRAHME J.]

bsb/Aug. 25