



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 CIVIL APPLICATION NO. 10306 OF 2025
IN FA/2536/2025
WITH
CIVIL APPLICATION NO. 10303 OF 2025
IN FA/2535/2025
WITH
CIVIL APPLICATION NO. 10301 OF 2025
IN FA/2534/2025

TATYASAHEB SO DAGADU GARAD AND ANR
VERSUS
THE EXECUTIVE ENGINEER AND ORS

...
Advocate for Claimant : Mr. Swapnil Ashokrao Deshmukh
Advocate for Respondent No.1/Acquiring Body : Mr. K.P. Rodge
AGP for Respondent nos. 2 and 3 : Mrs. M.N.Ghanekar

...
CORAM : SHAILESH P. BRAHME, J.

DATE : 02.12.2025

PER COURT :

Heard both sides. The Acquiring Body has deposited in aggregate Rs. 3,53,46,270/-. The applicants seek to withdraw the amount deposited by the Acquiring Body.

2. In pursuance of my order, the learned counsel Mr. Rodge for the Acquiring Body, on instructions, submits that in L.A.R. No. 450/2008, the rate at about Rs. 550/- per Are was fixed by the Land Acquisition Officer. The claimants had claimed Rs. 5000/- per Are. The reference Court fixed the rate at Rs. 3000/- per Are. Similar is the situation in L.A.R. No. 19/2008. The claimants had claimed Rs. 3750/- per Are and the reference Court fixed it to Rs. 3000/- per Are. He would oppose the application on the ground that in the present case, the claim was to the extent of Rs. 2500/- per Are and the enhancement to Rs. 6000/- per Are by the Reference

Court is exorbitant and arbitrary.

3. Learned counsel Mr. Deshmukh is right in contending that in the impugned judgment, the Reference Court has categorically observed that the lands are irrigated. In the matters referred above, the lands in acquisition were dry lands. The Reference Court by speaking order has fixed the rate of Rs. 6000/- per Are. I have permitted the claimants in the similarly situated matters vide order dated 21.08.2025 to receive 75% of the amount of compensation on furnishing undertaking and 25% of the amount of compensation on furnishing solvent surety/security. I propose to follow the same course with slight modification.

4. The Civil Applications are allowed. The applicants shall be entitled to receive 50% of the amount with accrued interest on furnishing undertaking and further 50% of the amount with accrued interest on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court proportionately in each appeal.

(SHAILESH P. BRAHME, J.)

mkd/-