



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

965 CIVIL APPLICATION NO. 9725 OF 2025
IN FA/1994/2025

RAOSAHEB HANUMANTRAO JADHAV DIED THROUGH HIS LEGAL
REPRESENTATIVES AND OTHERS

VERSUS

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT,
DIVISION OSMANABAD AND ORS

WITH

CIVIL APPLICATION NO. 9244 OF 2024
IN FA/1994/2025

THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT, DIV.
OSMANABAD

VERSUS

RAOSAHEB HANUMANTRAO JADHAV DIED THROUGH LRS
SULOCHANA AND ORS

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Mr. Manoj Dharmaraj Shinde, Advocate for Applicants

Mr. S. S. Dande, AGP for Respondents-State

Mr. Mukul Kulkarni, Advocate for Respondent No.1

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CORAM : AJIT B. KADETHANKAR, J.

DATE : 10th SEPTEMBER 2025

PER COURT :-

CIVIL APPLICATION NO. 9725 OF 2025

1. The applicants filed Land Acquisition Reference (LAR) No. 293 of 2013 before the learned Civil Judge, Senior Division, Omerga,

District Osmanabad, claiming enhancement of compensation. The entire agricultural land of the applicants has been acquired by the respondent/acquiring body.

1. By judgment and award dated 14.02.2020, the learned Trial Court granted enhancement to the applicants/land owners thereby increasing rate of enhancement from Rs.200/- per R to Rs.1,100/- per R, feeling this enhancement exorbitant as well as considering the claim beyond limitation, the acquiring body has preferred the First appeal. Execution and operation of the impugned judgment and award was stayed by this Court, subject to condition that the acquiring body deposits 60 percent of the payable award amount in this Court. It is undisputed that such amount has been deposited by the acquiring body in this Court.

2. Mr. M. D. Shinde, learned counsel for the applicants submits that the applicants are in urgent need of funds, having lost their source of livelihood since their entire agricultural land has been acquired. Mentioning this, he prays to allow the application and permit him to withdraw the deposited amount.

3. Per contra, Mr. Mukul Kulkarni, learned counsel appearing for the acquiring body submits that apparently the enhancement is too

exorbitant. He further submits that issue of limitation will also go to the root of the rights of the applicants to seek enhancement. With this, Mr. Mukul Kulkarni, learned counsel for the acquiring body vehemently opposes the prayer in the Civil Application.

4. Heard both the parties.

5. It is not disputed that the entire agricultural lands of the applicants were acquired by the acquiring body. Entitlement of the applicants to the enhanced compensation has been adjudicated by the learned Trial Court after examining the facts of the case and scrutinizing the evidence on record and applying its judicial mind. Today the award is in favour of the applicants even only a portion of the total enhancement i.e. 60 percent is deposited by the acquiring body in this Court.

6. In these circumstances, I feel it proper to pass the following order to give relief to the applicants and also to secure the interest of the acquiring body :-

ORDER

- a. Civil Application is allowed.
- b. Applicants are permitted to withdraw the amount so deposited by the acquiring body by furnishing an

undertaking to the satisfaction of the learned Registrar (Judicial) of this Court specifically assuring and agreeing that in the event of reversal or modification in the judgment and award impugned in the present First Appeal revert back the amount to which they would be liable.

CIVIL APPLICATION NO. 9244 OF 2024

1. Since the amount as directed by this Court vide its order dated 17.10.2024 is deposited in this Court by the acquiring body, stay granted earlier is made absolute.
2. Civil Application is allowed in terms of prayer clause "A".

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1. Admit.
2. Mr. S. S. Dande, learned AGP waives service of notice for respondent Nos.2 and 3. Mr. M. D. Shinde, learned Advocate waives service of notice for respondent Nos.1, 1a to 1c.

[AJIT B. KADETHANKAR, J.]