



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

**CIVIL APPLICATION NO. 10097 OF 2025  
IN FA/2744/2024**

Sidhappa Mahadeo Zurale

**VERSUS**

The Executive Engineer M P Sinchan Bhavan Osmanabad And  
Anr

**WITH**

**CIVIL APPLICATION NO. 10098 OF 2025  
IN FA/1539/2025**

Prakash Nilappa Jagadale

**VERSUS**

The Executive Engineer, Irrigation Department, Omerga And  
Another

**WITH**

**CIVIL APPLICATION NO. 10099 OF 2025  
IN FA/1538/2025**

Revan Nilappa Jagadale.

**VERSUS**

The Executive Engineer, Irrigation Department, Omerga And  
Another

**WITH**

**CIVIL APPLICATION NO. 10100 OF 2025  
IN FA/1540/2025**

Khandu Sharnappa Zurale

**VERSUS**

The Executive Engineer, Irrigation Department, Omerga And  
Another

...

Mr. O. V. Waghmare h/f Mr. G. J. Kore, Advocate for  
Applicant

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

Mr. G. B. Rajale, Advocate for Respondent no.1

.....

**CORAM : AJIT B. KADETHANKAR.**

**DATED : 16<sup>TH</sup> SEPTEMBER, 2025**

**ORDER :-**

**CIVIL APPLICATION NO. 10097 OF 2025 (WITHDRAWAL)  
CIVIL APPLICATION NO. 10098 OF 2025 (WITHDRAWAL)  
CIVIL APPLICATION NO. 10099 OF 2025 (WITHDRAWAL)  
CIVIL APPLICATION NO. 10100 OF 2025 (WITHDRAWAL)**

. All the First Appeals are filed by the Acquiring Body, challenging enhancement granted by the learned Reference Court in the respective Land Acquisition References as mentioned below:

| <b>C.A. No.</b> | <b>First Appeal No.</b> | <b>L.A.R. No.</b> | <b>Authority and Decision Date</b>                                                   |
|-----------------|-------------------------|-------------------|--------------------------------------------------------------------------------------|
| 10097 of 2025   | 2744 of 2024            | 975 of 2009       | Learned Civil Judge, Senior Division Omerga, Osmanabad, decided on <b>19.12.2013</b> |
| 10098 of 2025   | 1539 of 2025            | 957 of 2009       |                                                                                      |
| 10099 of 2025   | 1538 of 2025            | 956 of 2009       |                                                                                      |
| 10100 of 2025   | 1540 of 2025            | 977 of 2009       |                                                                                      |

2. Pursuant to the interim relief granted in favour of the Acquiring Body in their Civil Applications, the Acquiring Body has deposited the entire amount in this Court. As such, there is compliance of the first order passed by this Court. Pursuant to the deposits made by the Acquiring Body, present Civil Applications are moved by the claimants for withdrawal of the

deposited amount.

3. Mr. O. V. Waghmare h/f Mr. G. J. Kore, learned Advocate for the applicants lays his hands over an order dated 05.09.2024, passed by Co-ordinate Bench of this Court in Civil Application No.9494 of 2024 in First Appeal No.426 of 2022. Mr. Patil submits that the First Appeal No.426 of 2022 arises out of the same land acquisition proceedings, land acquisition notification and award also. He further submits that since all the issues, those are under challenge in the First Appeal No.426 of 2022 are same in the present matter, he may be permitted to withdraw the entire award amount deposited by the Acquiring Body in this Court in this matter on the principle of parity.

4. Mr. G. B. Rajale, learned Advocate for the Acquiring Body, however, objects to the disbursement of full amount deposited by the Acquiring Body on the ground that the facts of the present case are a bit different than the First Appeal No.426 of 2022 and such connected appeals. Mr. Rajale further submits that the objection is as regards to the interest applied by the learned Reference Court. He would further fairly submit that the withdrawal could be permitted,

however, recording his objection.

5. In view of the peculiar facts and objections raised by the Acquiring body in this case, I pass following order:

**ORDER**

- a. Civil Applications are partly allowed.
- b. Applicants are permitted to withdraw 50 percent of the deposited amount on furnishing usual undertaking and 25 percent of balance amount on furnishing solvent surety/security to the satisfaction of the learned Registrar (Judicial) of this Court.
- c. Balance amount, if any, be deposited in the fixed deposit in any nationalized bank.
- d. In above terms, Civil Applications stand disposed of.

( AJIT B. KADETHANKAR, J. )