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

**CIVIL APPLICATION NO. 11317 OF 2024  
FIRST APPEAL NO. 3113 OF 2024**

**LAXMAN RANU WAGH DIED THR LRS NILABAI LAXMAN WAGH AND  
ORS**

**....Appellant**

**VERSUS**

**GMIDC THROUGH EXECUTIVE ENGINEER JALNA AND ORS**

**.....Respondent**

**.....**

Advocate for Applicants :: Mr. Shinganapure R.k.

Advocate for Respondents 1/a to 1/c : Mr. Bharaswadkar Patil Kalpalata

**.....**

**CORAM : S.G. CHAPALGAONKAR, J.**

**DATE : 3rd JANUARY, 2025.**

**ORDER :-**

1. This application is for withdrawal of the amount deposited by appellant- acquiring body in the office of this Court pursuant to the impugned judgment and award.

2. Mr. Shringarpure, learned advocate for applicant submits that subject lands are acquired for the purpose of storage tank at Village Manepur, Tq. Ghansawangi, Dist. Jalna. The learned SLAO had granted the rate of Rs. 1070 to 1170/- per R. The present applicants filed LARs for enhancement of compensation. Same came to be decided by the learned Joint Civil Judge, Senior Division by separate judgments and orders. In all the references the learned court considered judgment passed in LAR No. 318 of 2011 previously decided by court at Jalna in

which the rate granted are as below. Rs. 3375 for non-irrigated land, Rs. 5062/- for seasonally irrigated land and Rs. 6750 for perennial irrigated land. He further submits that the judgment passed in LAR No. 318/2011 is not challenged by appellants and have acquiesced to the to the said award. He, therefore, submits that once the acquiring body has acquiesced to LAR No.318/2011, there is no question of challenging the judgments and award in the present LARs. However, the acquiring body has filed these appeals. In deference to condition for stay, now amount is now deposited in the office of this court and, therefore, present application for withdrawal of said amount.

3. The application is strongly opposed by the learned advocates for acquiring body in respective appeals. The main objection is that the enhancement is granted at exorbitant rate and in some of the cases it is nine times of the amount awarded by the learned Land Acquisition Officer. It is submitted that the appeals itself be taken for final disposal.

4. This Court finds that there is no dispute about acquiescence to the judgment in LAR No. 318 of 2011. Therefore, this court finds that in the appeals chances of success appear to be weak. Since the respondents-acquiring body has already deposited the amount in the office of this court, it would not be in the interest of parties to keep the amount idle. In view of submissions of the respondents, this court finds it necessary to keep some amount balance to protect the interest of the acquiring body. Hence, the following order :-

### **ORDER**

- a] The application is partly allowed;
- b] The applicants are permitted to withdraw 75% of the

amount deposited in the office of this Court alongwith accrued interest by furnishing usual undertaking.

c] Remaining amount be fixed in any fixed deposit in any Nationalized bank pending the appeal.

**[S.G. CHAPALGAONKAR, J]**

grt/-