

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

933 CIVIL APPLICATION NO.11935 OF 2025
IN FAST/15015/2020

Shashikala Prabhakar Badhe And Ors

..Applicants

VERSUS

The Executive Engineer,

Minor Irrigation Division, Jalgaon And Anr

..Respondents

.....

Shri. Ajeet B. Kale, Advocate for the Applicants

Shri. A. D. Pwar, Advocate for the Respondent No.1

Shri. B. A. Shinde, AGP for the State.

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WITH

CIVIL APPLICATION NO. 11936 OF 2025
IN FAST/15012/2020

Sudhir Shivajirao Mohite and Ors

..Applicants

VERSUS

The Executive Engineer,

Minor Irrigation Division, Jalgaon And Anr

..Respondents

.....

Shri. Ajeet B. Kale, Advocate for the Applicants

Shri. A. D. Pwar, Advocate for the Respondent No.1

Shri. B. A. Shinde, AGP for the State.

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CORAM : NEERAJ P. DHOTE, J.

Dated : NOVEMBER 06, 2025

PER COURT :-

. These are the Applications for withdrawal of amount by the Orig. Claimants who are the Respondents in the Appeal filed by the Acquiring Body against the enhancement of the compensation awarded by the learned Reference Court.

2. The learned Advocate for the Applicants submits that, though the acquisition is of the year 2003, the Award was passed in the year 2008 and the reference was decided in the year 2019, the Applicants are deprived of their lawful compensation. He submits that, the SLAO

granted the rate of Rs.1,06,500/- per Hectore which has been enhanced by the learned Reference Court to Rs.6,00,000/- (Rs. Six Lakh) per hectore. He submits that, the Appeals will take time and therefore, the Applications be allowed by permitting the Applicants to withdraw the entire amount which is deposited by the Acquiring Body.

3. The Applications are opposed by the learned Advocate for the Acquiring Body. He submits that the saplings in the land were considered as trees by the learned Reference Court which is the wrong finding. He further submits that, the learned Reference Court has applied the multiplier of 15 which is contrary to the legal position and it should be around 8. He cited the Judgment in *Airports Authority of India vs. Satyagopal Roy and Others, (2002) 3 SCC 527* wherein the multiplier of 18 was applied and it was held that, the multiplier ought to have been 8. He submits that the Applications be rejected.

4. There is no dispute that in the connected First Appeal (St.) No.14924/2020, this Court by order dated 15.02.2023 in Civil Application No.1946 of 2023 permitted the similarly placed claimants to withdraw 50% amount deposited by the Acquiring Body. In this Case, the learned Reference Court has enhanced the compensation around six times. There is no dispute that, if the enhancement is up to four times, no appeals are preferred by the Acquiring body / State in view of the policy decision. Considering all these aspects, the interest of the Acquiring Body stands protected, if the Applicants are permitted to withdraw 75% amount by furnishing usual undertaking before the Registrar (Judicial) of this Court and the Remaining 25% amount deposited by the Acquiring Body be kept in Fixed Deposit. Hence, the following order.

ORDER

(i) The Applications are partly allowed.

(ii) The Applicants are permitted to withdraw 75% amount from the amount deposited by the Acquiring body, along with the interest accrued thereon, on furnishing usual undertaking before the Registrar (Judicial) of this Court.

(iii) The remaining 25% amount deposited by the Acquiring Body, along with the interest accrued thereon, be kept in Fixed Deposit.

(iv) The Applications stand disposed off accordingly.

(NEERAJ P. DHOTE, J.)

GGP