



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

51 CIVIL APPLICATION NO. 5960 OF 2021
IN FAST/6424/2021

The Ex. Director, T.i.d.c., Jalgaon And Ors.Applicants
VERSUS

Dhakalu Kadu Mali (died) Thr Lrs Vilas And OrsRespondents

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Mr. Tambe Rahul A., Advocate for Applicants
Mr. A. B. Kale, Advocate for the Respondents

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AND
CIVIL APPLICATION NO. 4107 OF 2025
IN FAST/6424/2021

Dhakalu Kadu Mali (died)
Thr Lrs Vilas And Ors.Applicants

VERSUS

The Special Land Acquisition Officer,
Minor Irrigation, Jalgaon and Ors.Respondents

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Mr. Kale Ajeet B., Advocate for Applicants
Mr. Rajdeep D. Raut, AGP for Respondents – State
Mr. Rahul A. Tambe, Advocate for Respondent Nos.2 and 4

.....

AND
CIVIL APPLICATION NO. 5961 OF 2021
IN FAST/6424/2021

The Ex. Director, T.i.d.c., Jalgaon And OrsApplicants

VERSUS

Dhakalu Kadu Mali (died) Thr Lrs Vilas And Ors.Respondents

.....

Mr. Tambe Rahul A., Advocate for Applicants
Mr. A. B. Kale, Advocate for the Respondents

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CORAM : NEERAJ P. DHOTE, J.

DATE : 28.04.2025

PER COURT :**[I] ORDER IN APPLICATION FOR CONDONATION OF DELAY :**

1. This is an Application for condonation of 231 days delay in filing the First Appeal by the Acquiring Body against the Judgment and Award dated 29/04/2019, passed by the learned Civil Judge, Senior Division, Chalisgaon, in Land Acquisition Reference [LAR] No.629/2011.

2. Heard the learned Advocate for the Applicants and the learned Advocate for the Respondents – Claimants.

3. For the reasons mentioned in the Application, the Application is allowed in terms of Prayer Clause – ‘B’ and the same stands disposed off accordingly.

[II] ORDER IN CIVIL APPLICATION FOR WITHDRAWAL OF AMOUNT :

1. This is an Application for withdrawal of the amount deposited by the Acquiring Body in this Court along with accrued interest thereon. The Appeal is filed by Acquiring Body in respect of lands acquired for Mundkheda Minor Irrigation Tank in File No. LAQ/SR-No.44/04.

2 It is submitted by the learned Advocate for the Applicants / Claimants that, the matters arising out of the same acquisition proceedings are finally disposed off by this Court vide order dated 19/10/2023, passed in First Appeal No.5165/2017. He submits that, only 50% amount has been deposited by the Acquiring Body and the Applicants are ready to furnish regular undertaking against withdrawal.

3. The learned Advocate Mr. Tambe appearing for the Acquiring Body submits that, though he had sent communication to the Acquiring Body for instructions in view of the above referred submission, there is no response. He submits that, appropriate orders be passed.

4. Considering that, the Appeals arising out of same acquisition filed by the Claimants therein are disposed off and only 50% amount is deposited by the Acquiring Body and when the Applicants / Claimants are ready to furnish regular undertaking, I see no impediment in allowing the Application. Hence, the Application is allowed in terms of Prayer Clause - 'B'. The Applicants / Claimants shall file regular undertaking to the satisfaction of the Registrar [Judicial] of this Court.

5. Civil Application stands disposed off accordingly.

[III] ORDER IN APPLICATION FOR STAY :

1. This is an Application for stay to the effect and operation of the impugned Judgment and Award.

2. The interim order dated 09/07/2021 to continue till the next date.

3. Stand over after [8] eight weeks.

[NEERAJ P. DHOTE, J.]