



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO.11452 OF 2025
IN
CA/8090/2024 IN FA/3231/2019**

Jalindar S/o. Karbhari Neharkar and Others

... Applicants.

Versus

Godavari Marathwada Irrigation Development
Corporation, Through The Executive Engineer
and Others

... Respondents.

.....

Mr. Ramraje A. Deshmukh, Advocate for Applicants.

Mr. A. M. Gaikwad, Advocate for Respondent No.1.

Mr. S. M. Ganachari, AGP for Respondent Nos.2 and 3.

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WITH
CIVIL APPLICATION NO. 11461 OF 2025
IN CA/8084/2024 IN FA/3234/2019
WITH
CIVIL APPLICATION NO. 11453 OF 2025
IN CA/8876/2024 IN FA/1812/2020
WITH
CIVIL APPLICATION NO. 11457 OF 2025
IN CA/8086/2024 IN FA/3233/2019
WITH
CIVIL APPLICATION NO. 11455 OF 2025
IN/8917/2024 IN FA/1811/2020
WITH
CIVIL APPLICATION NO. 11459 OF 2025
IN CA/8083/2024 IN FA/3235/2019
WITH
CIVIL APPLICATION NO. 11454 OF 2025
IN CA/8875/2024 IN FA/1813/2020
WITH
CIVIL APPLICATION NO. 11456 OF 2025
IN CA/8085/2024 IN FA/3232/2019
WITH
CIVIL APPLICATION NO. 11460 OF 2025
IN CA/8900/2024 IN FA/1810/2020

CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 30 JANUARY 2026

PRONOUNCED ON : 05 FEBRUARY 2026

ORDER :

1. Instant applications are filed by the original respondents (Original Claimants) in First Appeal No.3231 of 2019 and other connected First Appeals at the instance of Godavari Marathwada Irrigation Development Corporation, seeking modification of order dated 09.10.2025 passed by this Court in Civil Application No.8090 of 2024 and other connected matters.

2. According to learned counsel, applicant's land came to be acquired by the respondent authorities for construction of storage tank. That, Special Land Acquisition Officer passed award, but it being meager i.e. to the tune of Rs.345 per R. Dissatisfied by the same, Land Reference was filed and same came to be enhanced to the tune of Rs.3,750 per R, by judgment and award dated 30.04.2016. That, the said judgment and award is challenged by original defendant - acquiring body vide above referred appeals and the same is pending. Even, as both Special Land Acquisition Officer as well as Reference Court did not award compensation at the rate that was claimed on the basis of highest sale instance, Cross Objection has been preferred in appeal filed by present respondents.

3. Learned counsel further pointed out that, respondent authorities urged for stay at the initial stage of appeals and this court admitted the appeals. He further submitted that, in Civil Application No. 4494 of 2019, which was along with other civil applications, stay was granted, but it was subject to depositing entire decretal amount in this court on or before 05.02.2020. However, respondent authorities had failed to comply said order and only deposited partial amount to the tune of Rs.77,48,748/- in First Appeal No.3231/2019. That, in all the First Appeals, the total amount deposited is Rs.5,14,67,284/-, which is approximately 52% of the decretal amount.

4. He further pointed out that, applicants are agriculturist and their agricultural lands, which are their only source of income, have already been acquired decades back and their cross objections for enhancement are pending decision and therefore, it is pointed out that they have urged to permit them to withdraw entire amount deposited in this court with interest. However, according to him, acquiring body has failed to follow orders of this court time to time for depositing the amount and applicants were permitted to renew request for withdrawal in future. He submitted that, in consequence to it, above Civil Applications for withdrawal were preferred, however, this court only

permitted withdrawal of 12% of deposited amount with interest and not the entire amount deposited in this court.

5. He therefore submits that, as applicants are in dire need of money, and therefore, entire amount deposited till date ought to have been allowed to be withdrawn, but the same not having happened, he prays for modifying the order dated 09.10.2025 and permit the applicants to withdraw entire deposited amount lying in this court, during pendency of appeals. He very emphatically submitted that, even entire decretal amount of around Rs.10 crore has not been deposited by the acquiring body in spite of repeated undertakings. For above reasons, he prays for modification.

6. Learned counsel for respondent - acquiring body opposed and again re-iterating that there being excess and exorbitant enhancement, this court at the time of admission of connected matters i.e. First Appeal (St.) No.34147/2018 itself has noted to that extent. Appeals of acquiring body are pending, and therefore, it is his submission that there is no change in circumstance so as to allow the modification.

7. Admittedly, lands of applicants are acquired for storage tank. There is no further dispute that Special Land Acquisition Officer awarded rate of Rs.345/- per R and on Reference Court being approached, the

same was granted to the tune of Rs.3,750/- per R, which, as pointed out by acquiring body, is more than 10 times than the one awarded by SLAO, and therefore, acquiring body has come up in appeals and the same are pending.

8. Record shows that, Civil Application No.8090 of 2024 and other connected matters were moved before this court for permission to withdraw entire amount deposited in this court i.e. to the tune of Rs.2,57,33,535/- along with interest thereon. This Court after hearing both sides by order dated 09.10.2025, more particularity taking into account the contention of the acquiring body that there is more than ten times enhancement, which is under challenge, thought it fit to permit applicants to withdraw only 12% amount and not 50% which was prayed. It is reiterated that, appeals of acquiring body on above contention are still pending decision. Record of registry shows that, out of total deposit of Rs.5,14,67,284/-, 50% i.e. to the tune of Rs.2,57,33,649/- has been already withdrawn. As stated above, this court by above order which is sought to be modified has granted permission to withdraw 12% amount as appeals of acquiring body are pending herein. This court had offered both the parties to go for final hearing, however, instead of doing so, again present applications have been moved for modification of above order.

9. For above reasons and as there are no supervening circumstances since the passage of order of this court in Civil Application No. 8090 of 2024 and other connected applications warranting modification, same cannot be allowed.

10. All Civil Applications for modification are rejected.

(ABHAY S. WAGHWASE, J.)