



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

127 CIVIL APPLICATION NO. 5033 OF 2026
IN
FIRST APPEAL (ST) NO.29954 OF 2023

Dinesh Janardhan Bembade
VERSUS
The Executive Engineer Minor Irrigation Division Latur

WITH
CIVIL APPLICATION NO. 13495 OF 2023
IN
FIRST APPEAL (ST) NO.31899 OF 2023

The Exe. Engineer, Minor Irrigation Div., Latur Thr G.m.i.d.c. Aurangabad
And Ors

VERSUS
Bhagirthibai Gunderao Chewle
WITH
CIVIL APPLICATION NO. 5027 OF 2026
IN
FIRST APPEAL (ST) NO.31906 OF 2023

Udhav Pandurang Ekambe
VERSUS
The Executive Engineer

WITH
CIVIL APPLICATION NO. 13490 OF 2023
IN
FIRST APPEAL (ST) NO.31912 OF 2023

The Executive Engineer Minor Irrigation Division Latur Through
G.m.i.d.c. Aurangabad And Ors

VERSUS
Nivratti Gnyanaba Chewale Through Lrs

WITH
CIVIL APPLICATION NO. 13492 OF 2023
IN
FIRST APPEAL (ST) NO.31906 OF 2023

The Executive Engineer Minor Irrigation Division Latur Through
G.m.i.d.c. Aurangabad And Ors

VERSUS

Uddhav Pandurang Ekambe

WITH

CIVIL APPLICATION NO. 5023 OF 2026

IN

FIRST APPEAL (ST) NO.31903 OF 2023

Shivabai Premgir Giri Puri

VERSUS

The Executive Engineer

WITH

CIVIL APPLICATION NO. 5024 OF 2026

IN

FIRST APPEAL (ST) NO.31899 OF 2023

Bhagirathibai Gunderao Chewale

VERSUS

The Executive Engineer

WITH

CIVIL APPLICATION NO. 13491 OF 2023

IN

FIRST APPEAL (ST) NO.31906 OF 2023

The Executive Engineer Minor Irrigation Division Latur Through
G.m.i.d.c. Aurangabad And Ors

VERSUS

Uddhav Pandurang Ekambe

WITH

CIVIL APPLICATION NO. 13481 OF 2023

IN

FIRST APPEAL (ST) NO.29954 OF 2023

The Exe. Engineer, Minor Irrigation Div., Latur Thr G.m.i.d.c. Aurangabad
And Ors

VERSUS

Dinesh Janardhan Bembde

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WITH

CIVIL APPLICATION NO. 13488 OF 2023

IN

FIRST APPEAL (ST) NO.31909 OF 2023

The Executive Engineer Minor Irrigation Division Latur Through
G.m.i.d.c. Aurangabad And Ors

VERSUS

Dagdu Hanmant Chewle

WITH

CIVIL APPLICATION NO. 13489 OF 2023

IN

FIRST APPEAL (ST) NO.31912 OF 2023

The Executive Engineer Minor Irrigation Division Latur Through
G.m.i.d.c. Aurangabad And Ors

VERSUS

Nivratti Gnyanaba Chewale Through Lrs

WITH

CIVIL APPLICATION NO. 13483 OF 2023

IN

FIRST APPEAL (ST) NO.31916 OF 2023

The Exe. Engineer, Minor Irrigation Div., Latur Thr G.m.i.d.c. Aurangabad
And Ors

VERSUS

Vishwanath Pandhari Chewale

WITH

CIVIL APPLICATION NO. 5022 OF 2026

IN

FIRST APPEAL (ST) NO.31916 OF 2023

Vishwanath Pandhari Chewale

VERSUS

The Executive Engineer

WITH

CIVIL APPLICATION NO. 13494 OF 2023

IN

FIRST APPEAL (ST) NO.29959 OF 2023

The Exe. Engineer, Minor Irrigation Div., Latur Thr G.m.i.d.c. Aurangabad
And Ors

VERSUS

Trivenibai Tatyrao Somwanshi

WITH

**CIVIL APPLICATION NO. 13485 OF 2023
IN
FIRST APPEAL (ST) NO.31903 OF 2023**

The Executive Engineer Minor Irrigation Division Latur Through
G.m.i.d.c. Aurangabad And Ors

VERSUS

Shivabai Premgir Giri (puri)

WITH

**CIVIL APPLICATION NO. 13498 OF 2023
IN
FIRST APPEAL (ST) NO.31895 OF 2023**

The Exe. Engineer, Minor Irrigation Div., Latur Thr G.m.i.d.c. Aurangabad
And Ors

VERSUS

Rashika Pandharinath Mandade

WITH

**CIVIL APPLICATION NO. 5025 OF 2026
IN
FIRST APPEAL (ST) NO.31895 OF 2023**

Rashika Nath Pandharinath Mandade

VERSUS

The Executive Engineer

WITH

**CIVIL APPLICATION NO. 13493 OF 2023
IN
FIRST APPEAL (ST) NO.29959 OF 2023**

The Exe. Engineer, Minor Irrigation Div., Latur Thr G.m.i.d.c. Aurangabad
And Ors

VERSUS

Trivenibai Tatyarao Somwanshi

WITH

**CIVIL APPLICATION NO. 13487 OF 2023
IN
FIRST APPEAL (ST) NO.31909 OF 2023**

The Executive Engineer Minor Irrigation Division Latur Through
G.m.i.d.c. Aurangabad And Ors

VERSUS

Dagdu Hanmant Chewle

**WITH
CIVIL APPLICATION NO. 5026 OF 2026
IN
FIRST APPEAL (ST) NO.31909 OF 2023**

Dagadu Hanmant Chewale

VERSUS

The Executive Engineer

**WITH
CIVIL APPLICATION NO. 5021 OF 2026
IN
FIRST APPEAL (ST) NO.31912 OF 2023**

Nivratti Gnyanaba Chewale Died Sheshabai Nivratti Chewale

VERSUS

The Executive Engineer

**WITH
CIVIL APPLICATION NO. 13497 OF 2023
IN
FIRST APPEAL (ST) NO.31895 OF 2023**

The Exe. Engineer, Minor Irrigation Div., Latur Thr G.m.i.d.c. Aurangabad
And Ors

VERSUS

Rashika Pandharinath Mandade

**WITH
CIVIL APPLICATION NO. 13482 OF 2023
IN
FIRST APPEAL (ST) NO.29954 OF 2023**

The Exe. Engineer, Minor Irrigation Div., Latur Thr G.m.i.d.c. Aurangabad
And Ors

VERSUS

Dinesh Janardhan Bembde

**WITH
CIVIL APPLICATION NO. 13484 OF 2023
IN
FIRST APPEAL (ST) NO.31916 OF 2023**

The Exe. Engineer, Minor Irrigation Div., Latur Thr G.m.i.d.c. Aurangabad
And Ors

VERSUS

Vishwanath Pandhari Chewale

WITH

CIVIL APPLICATION NO. 13486 OF 2023

IN

FIRST APPEAL (ST) NO.31903 OF 2023

The Executive Engineer Minor Irrigation Division Latur Through
G.m.i.d.c. Aurangabad And Ors

VERSUS

Shivabai Premgir Giri (puri)

WITH

CIVIL APPLICATION NO. 13496 OF 2023

IN

FIRST APPEAL (ST) NO.31899 OF 2023

The Exe. Engineer, Minor Irrigation Div., Latur Thr G.m.i.d.c. Aurangabad
And Ors

VERSUS

Bhagirthibai Gunderao Chewle

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WITH

CIVIL APPLICATION NO. 13473 OF 2023

CIVIL APPLICATION NO. 13474 OF 2023

IN

FIRST APPEAL (ST) NO.33129 OF 2023
(Not on board. Taken on board.)

The Executive Engineer Minor Irrigation Division Latur

VERSUS

Shahaji Tatyrao Somwanshi

WITH

CIVIL APPLICATION NO. 13475 OF 2023

CIVIL APPLICATION NO. 13476 OF 2023

IN

FIRST APPEAL (ST) NO.33125 OF 2023
(Not on board. Taken on board.)

The Executive Engineer Minor Irrigation Division Latur

VERSUS

Yadav Tatyrao Somwanshi

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WITH
CIVIL APPLICATION NO. 5073 OF 2026
CIVIL APPLICATION NO. 13469 OF 2023
CIVIL APPLICATION NO. 13470 OF 2023
IN
FIRST APPEAL (ST) NO.32970 OF 2023
(Not on board. Taken on board.)

The Executive Engineer Minor Irrigation Division Latur

VERSUS

Pandhari Gyanoba Chewale

...

WITH
CIVIL APPLICATION NO. 5072 OF 2026
CIVIL APPLICATION NO. 13471 OF 2023
CIVIL APPLICATION NO. 13472 OF 2023
IN
FIRST APPEAL (ST) NO.33133 OF 2023
(Not on board. Taken on board.)

The Executive Engineer Minor Irrigation Division Latur

VERSUS

Trambak Govind Chewale

...

WITH
CIVIL APPLICATION NO. 5071 OF 2026
CIVIL APPLICATION NO. 13477 OF 2023
CIVIL APPLICATION NO. 13478 OF 2023
IN
FIRST APPEAL (ST) NO.33122 OF 2023
(Not on board. Taken on board.)

The Executive Engineer Minor Irrigation Division Latur

VERSUS

Dnyanoba Nivrati Mandade

...

WITH
CIVIL APPLICATION NO. 5070 OF 2026
CIVIL APPLICATION NO. 13467 OF 2023
CIVIL APPLICATION NO. 13468 OF 2023
IN
FIRST APPEAL (ST) NO.32965 OF 2023
(Not on board. Taken on board.)

The Executive Engineer Minor Irrigation Division Latur
VERSUS
Adinath Pandhari Chewale

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Advocate for Applicant : Mr. Sachin Panale

Advocate for Respondent : Mr. A. N. Gaddime

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 28.04.2026

PER COURT :

Civil Applications For Condonation of Delay in filing First Appeals

1. The present applications are filed for condonation of delay in filing respective First Appeals. Learned counsel for the applicant submit that the delay was caused due to the time consumed in obtaining certified copies, seeking approval from the office and for arranging Court fee. Considering the averments made in the applications, the same are allowed in terms of prayer clause (B).

Civil Applications for withdrawal of amount:

2. In compliance of the order passed by this court while granting stay, the acquiring body has deposited the award amount in this court with interest accrued thereon. In view of this, the applicants, who have lost their properties in the compulsory acquisition, has filed present applications in the respective appeals, seeking permission to withdraw the deposited amount. The details as regards the names of the applicants – claimants in the respective applications and the L.A.R. numbers are as

under:-

Sr. No.	C.A. No.	E.A. St. No. (Year 2023)	Name of the applicant	L.A.R. No.
1	5070/2026	32965	Adinath Pandhari Chewale	165/2006
2	5071/2026	33122	Dnyanoba Nivrati Mandade	169/2006
3	5021/2026	31912	Nivratti Dnyanoba Chewale	158/2006
4	5023/2026	31903	Shivabai Premgir Giri Puri	161/2006
5	5072/2026	33133	Trambak Gonvind Chewale	167/2006
6	5073/2026	32970	Pandhari Gnyanoba Chewale	164/2006
7	5073/2026	32681	Rajkumar s/o. Rama Kolhe	157/2006
8	5024/2026	31899	Bhagirathibai Gunderao Chewale	162/2006
9	5022/2026	31916	Vishwanath Pandhari Chewale	154/2006
10	5025/2026	31895	Rashika Nath Pandharinath Mandade	163/2006
11	5026/2026	31909	Dagadu Hanmant Chewale	159/2006
12	5027/2026	31906	Udhav Pandurang Ekambe	160/2006

3. Mr. Pande, learned counsel for the applicants - claimants submits that it is not disputed that the properties of the applicants are acquired by the acquiring body. The entitlement of the applicants - claimants for compensation has been adjudicated by the reference court on appreciating the evidence on record and examining the facts. The applicants have legitimate right to receive the compensation, which is enhanced by learned reference court. As the applicants are in dire need of money and as their sole source of earning has been acquired by the acquiring body, they are left with no choice than to file the present applications.

4. Mr. Pande, learned counsel for the applicants, places reliance on the order dated 21.11.2016 passed by this Court in Civil Application

No.14037 of 2016 in FA No.1679/2014 with connected matters. Mr. Pande, learned counsel, submits that the cited matters, arise out of the same land acquisition proceedings and the land acquisition notification as also the award, which are the subject matters of present appeals and applications. He would submit that the order dated 21.11.2018 (supra) was passed after hearing the concerned parties, mainly, the acquiring body, on its own merits and thereafter, this court permitted the applicants therein to withdraw 50% of the amount deposited by furnishing undertaking to the satisfaction of learned Registrar (Judicial). He would further submit that they were also permitted to withdraw 25% of the deposited amount, on furnishing solvent security/surety for the like amount and balance 25% amount on furnishing Bank guarantee of any scheduled bank. Mr. Pande also submits that in the said order, this court has taken a note of the order dated 11.09.2011, passed by the Division Bench of this court in Civil Application No.11629 of 2015 with connected matters so also the order passed in Civil Application No.9727 of 2015 passed by learned single Judge of this court.

5. Mr. Pande, learned counsel for the applicants, would also cite another order passed by this Court on 04.09.2025, in Civil Application No.9440 of 2025 in FAST No.31185/2023, whereby, this court permitted withdrawal of 50% of the amount with accrued interest, on furnishing undertaking and 50% amount on furnishing solvent security/surety. Mr.

Pande would also invite attention of the court to the order dated 08.08.2025, passed by this court in Civil Application No.8191 of 2025 in FA No.2321 of 2014, whereby, withdraw of amount has been permitted on the same lines.

6. Mr. Pande, learned counsel for the applicants, now, submits that as the cited orders, permitting withdrawal of amount, arise out of one and same land acquisition proceedings and land acquisition notification, present applicants may also be permitted to withdraw the deposited amount in the same mode, on the principle of parity.

7. Mr. Gaddime, learned counsel for the acquiring body, opposes withdrawal of amount by the applicants. He, however, agrees with the cited orders and that the matter pertains to the same land acquisition proceedings, award and notification. He agrees that the present appeals are also based on the same objections, which have been raised in the appeals in the cited cases. He would submit that the acquiring body, however, may have objection to the findings recorded by the reference court, which the acquiring body would demonstrate at the time of hearing of the appeals.

8. In view of the above, I pass the following order:-

(i) The applicants are permitted to withdraw 50% of the deposited amount along with interest accrued thereon, on furnishing an

undertaking to the effect that in the event of success of the acquiring body in the appeals, the applicants shall redeposit the amount within a period of three months from such decision in the office of this court.

(ii) The remaining 50% of the amount along with accrued interest thereon, is permitted to be withdrawn, on furnishing solvent surety/security to the satisfaction of learned Registrar (Judicial) of this Court.

(iii) The applications stand disposed of accordingly.

Civil Applications for grant of stay:-

9. The present Civil Application are filed for stay to the impugned orders in the respective First Appeals. Considering the averments made in the applications, the effect, operation and implementation of the impugned order is stayed upon condition that the applications/appellants shall deposit remaining 50% of the amount granted by the Reference Court within a period of ten weeks from the date of this order.

[SIDDHESHWAR S. THOMBRE]
JUDGE