

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

**CIVIL APPLICATION NO. 13243 OF 2014
IN
FIRST APPEAL NO. 389 OF 2014**

Gangubai Bhakchand Kothule. ...Applicant

versus

The Godavari Marathwada Irrigation
Development Corporation Ltd & anr. ...Respondents

**WITH
CIVIL APPLICATION NO. 13244 OF 2014
IN
FIRST APPEAL NO. 397 OF 2014**

Yashodabai Vinayak Gore. ...Applicant

versus

The Godavari Marathwada Irrigation
Development Corporation Ltd & anr. ...Respondents

**WITH
CIVIL APPLICATION NO. 13245 OF 2014
IN
FIRST APPEAL NO. 395 OF 2014**

Kadubai Punjaram Gore. ...Applicant

versus

The Godavari Marathwada Irrigation
Development Corporation Ltd & anr. ...Respondents

**WITH
CIVIL APPLICATION NO. 13246 OF 2014
IN
FIRST APPEAL NO. 394 OF 2014**

Punjaram Chandrabhan Gore
Deceased thr. L.Rs.
Kadubai & anr. ...Applicants

versus

The Godavari Marathwada Irrigation
Development Corporation Ltd & anr.

...Respondents

**WITH
CIVIL APPLICATION NO. 13247 OF 2014
IN
FIRST APPEAL NO. 392 OF 2014**

Bhikand Harishchandra padar.

...Applicant

versus

The Godavari Marathwada Irrigation
Development Corporation Ltd & anr.

...Respondents

**WITH
CIVIL APPLICATION NO. 13248 OF 2014
IN
FIRST APPEAL NO. 391 OF 2014**

Kailas Punjaram Gore.

...Applicant

versus

The Godavari Marathwada Irrigation
Development Corporation Ltd & anr.

...Respondents

**WITH
CIVIL APPLICATION NO. 13249 OF 2014
IN
FIRST APPEAL NO. 393 OF 2014**

Kavita Chotelal Atral.

...Applicant

versus

The Godavari Marathwada Irrigation
Development Corporation Ltd & anr.

...Respondents

.....
Mr. R. V. Gore, Advocate for applicants.
Mr. S. P. Daund, A.G.P. for respondent/State.

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CORAM : N.W. SAMBRE, J.

DATE : 24TH APRIL, 2015

ORAL ORDER :

. It is not in dispute that the appellant, by subject matter No. 47/8 in the meeting of Board of Directors, decided not to prefer any appeal in the matters wherein the claimants are granted compensation by the Reference Court to the tune of Rs.1200/- per Are for dry crop land.

2. The appellant herein claimed that part of the land under award is irrigated and part is of dry crop land.

3. Be that as it may, the applications for withdrawal of the amount, which are objected by the appellant. Learned Counsel for the appellant has opposed the prayer for permission to withdraw the amount on the ground that the claim was granted by the Reference Court at exorbitant rate. In support thereof, he has tried to rely upon the observations made by the Reference Court in the order in question in appeal.

4. Mr. Gore, learned Counsel for the applicants has invited attention of this Court to the matters wherein acquisition proceedings

are initiated at the behest of the M.I.D.C. According to him, the Apex Court has granted withdrawal of 50% of the enhanced compensation without security and balance of 50% on furnishing security to the satisfaction of the Collector. The said order passed in the matter of **Wajidmiya Abdul Raheman Shaikh & ors. vs. Maharashtra Ind. Dev. Cor. & ors.** on Civil Appeal No. 8056/2013 n Special leave Petition No.24894 of 2013 is taken on record.

5. Having regard to the consideration narrated herein above, it will be appropriate that the applicants herein shall permit to withdraw 50% of the amount deposited by appellant upon furnishing an undertaking to the satisfaction of the Registrar (Judicial).

6. So far as remaining 50% amount is concerned, the amount to the extent of 50% from the said amount is permitted to be withdrawn by the applicants upon furnishing bank guarantee of nationalized bank. Balance 50% amount be kept in fixed deposit in nationalized bank, initially for period of three years

7. The civil applications stand allowed to above extent and disposed of.

[N.W. SAMBRE, J.]