

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

CIVIL APPLICATION NO.16038 OF 2015 IN
WRIT PETITION NO.6581 OF 2009

Shri Ramdas s/o Ambadas Bhusare
and others ... APPLICANTS

VERSUS

The State of Maharashtra
and others ... RESPONDENTS

.....
Shri V.G. Mete, Advocate for applicants
Shri P.S. Patil, A.G.P. for State
.....

CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.

DATED: 11th December, 2015.

ORAL ORDER :

1. This Civil Application is presented seeking permission to withdraw amount of Rs.27,34,290/-deposited by the applicants in Writ Petition No.6581/2009. The petitioners were served with notice for enforcing recovery of the aforesaid sum since they received compensation in respect of the land admeasuring 2 Hectors 40 R twice.

2. This Court, while dealing with Writ Petition No.6581/2009, observed in the judgment dated 21.6.2011 that there is no need to interfere with the impugned orders since the amount admittedly is awarded twice to the petitioners and, therefore, they are not entitled to any relief. It further appears that, by an order dated 5.10.2009, the petitioners were directed to deposit the amount in the Court and the prosecution threatened against the petitioners was stayed on that condition and in pursuance of the said order, the amount has been deposited. The applicants are not entitled to claim withdrawal of the amount in view of the judgment delivered by this Court in Writ Petition No.6581/2009, dated 21.6.2011. The application is misconceived, hence stands rejected.

3. It would be open for the State Government to claim withdrawal of the aforesaid amount.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)