

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

CIVIL APPLICATION NO. 2437 OF 2017
IN
FIRST APPEAL NO.2129 OF 2016

Vishrantibai Vishwambhar Mhaske .. Applicant

Versus

The State of Maharashtra & Ors. .. Respondents

...
Mr. Satish S. Manale, Advocate for the applicant
Mr S. P. Sonpawale, AGP for respondent/State
Mr. B.S. Deshmukh, Advocate for respondent no.2
...

WITH

CIVIL APPLICATION NO. 2436 OF 2017
IN
FIRST APPEAL NO.2130 OF 2016

CIVIL APPLICATION NO. 2434 OF 2017
IN
FIRST APPEAL NO.2132 OF 2016

CIVIL APPLICATION NO. 2431 OF 2017
IN
FIRST APPEAL NO.2136 OF 2016

CIVIL APPLICATION NO. 2432 OF 2017
IN
FIRST APPEAL NO.2135 OF 2016

CIVIL APPLICATION NO. 2433 OF 2017
IN
FIRST APPEAL NO.2134 OF 2016

CORAM: P.R. BORA, J.
DATE : 13TH JUNE, 2017

Per Court :

1. Heard Shri. S. S. Manale, learned counsel appearing for the applicants.
2. Applicants are seeking withdrawal of the amount of compensation deposited by the original appellant in this Court. The learned Counsel has tendered across the bar a copy of the order dt. 06.01.2017 passed by the Hon'ble Apex Court in Special Leave to Appeal (C) No(s). 31499-31502/2015 and also placed on record the order passed by the Hon'ble Apex Court in Civil Appeal No.8056 of 2013 on 10.09.2013. The same are taken on record. The learned Counsel submits that, the present matters arise out of the same acquisition.
3. The learned Asst. Government Pleader appearing for the State has not disputed that, the present matters arise out of the same acquisition proceedings wherein certain orders about withdrawal of the amount are passed by the Hon'ble Apex Court. The learned AGP, however, objected to withdrawal of the amount in Civil Application No. 2436 of 2017 stating that, the name of the applicant viz. Venkat Narayanrao Yadav is not reflected in 'E' statement the name of the proposed housing society is appearing in the said statement and as such no withdrawal can be permitted in the said application.

4. In view of the fact that, in the companion matters arising out of the same acquisition proceedings the Hon'ble Apex Court has permitted withdrawal of 50% of the amount of enhanced compensation without security and has also permitted the claimants to withdraw the balance 50% amount on furnishing security to the satisfaction of the Collector, the same order needs to be passed in the present applications also. In so far as the objection raised by the learned AGP in an application being Civil Application No.2436/2017, the learned advocate for the applicant invited my attention to para nos. 8 to 10 of the judgment of the reference Court. In view of the discussion made by the reference Court in the aforesaid paragraphs, the objections raised by the learned AGP may not sustain. I am, therefore, inclined to pass the following order.

ORDER

1. The applications are allowed.
2. The claimants are permitted to withdraw 50% of the deposited amount without any security and the balance 50% amount on submitting security to the satisfaction of the Collector, Latur.
3. Civil Applications stand disposed of.

[P. R. BORA, J.]