

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

**91 CIVIL APPLICATION NO. 12178 OF 2017
IN FA/2673/2011**

**GURAPPA VENKAT DANDGULE
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

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Advocate for Applicants : Mr. Deshpande Amit S.

AGP for Respondent State: Mr. A. M. Phule

Advocate for Respondent No.1 : Mr. S. S. Dande F

CORAM : K. L. WADANE, J.

DATE : 9th October, 2017

ORDER:

1. Heard learned counsel for the respective parties.

2. This is an application for permission to withdraw the amount of compensation deposited by the respondents in the reference Court. The learned counsel appearing for the respondent Acquiring Body has no objection to pay the amount. The learned counsel for the applicant submits that the other claimants whose lands were acquired in the same proceedings, arising out of the same order of the Reference Court have approached the Apex Court for withdrawal of the amount of compensation by filing Civil Appeal No. 8056 of 2013 (SLP (C) No. 24894/2013), in which the Hon'ble Apex court has allowed the other claimants to withdraw 50%

of the enhanced compensation without security and 50% amount on furnishing security. Copy of the same is placed on record.

3. In view of the above, the present applicants are permitted to withdraw 50% amount of the enhanced compensation without security and balance 50% amount shall be released to them on furnishing security to the satisfaction of the reference Court.

4. The learned counsel for the applicant submits that the acquiring body has deposited the 50% amount in the reference Court and execution and operation of the impugned award is stayed. Therefore, the acquiring body is directed to deposit the remaining amount of compensation in this Court within a period of 12 weeks.

5. Civil application is accordingly disposed of.

(K. L. WADANE, J.)

JPC