

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

985 CIVIL APPLICATION NO. 11138 OF 2017
IN FA/377/2013

MADHAV RANGRAO MUNDHE (DIED) THR LRS UDDHAV AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicants : Mr. Deshpande Amit S.
AGP for Respondent No.1: Mr. S. S. Dande
Advocate for Respondent No.2 : Mr. D. V. Soman

CORAM : K. L. WADANE, J.

DATE : 7th September, 2017

ORDER:

1. Heard.

2. This is an application for permission to withdraw the amount of compensation deposited in this Court. The learned counsel for the parties have submitted that the already, the applicant has withdrawn 50% amount of compensation. The other claimants whose lands were acquire in the same proceedings have approached the Apex Court for withdrawal of the amount of compensation by filing SLP (C) 10719 to 10725/2014, wherein, following order is passed.

"It is submitted that the issues raised in the present special leave petitions are squarely covered by a decision of this court in "Wajidmiya Abdul Raheman Shaikh & Ors. Vs. Maharashtra Industrial Development & Ors." Civil Appeal No.8056 of 2013, decided on 10.09.2013.

In view of the above, these special leave petitions are disposed of int he same terms."

3. On perusal of the order passed in Civil Appeal No. 8056 of 2013, it appears that following order is passed:

" We direct that the 50% of the enhanced compensation granted to the appellants shall be released without security, whereas balance of 50% shall be released to them on furnishing security to the satisfaction of the Collector."

4. On perusal of the record, it appears that, already an amount to the extent of 50% amount was allowed to be withdrawn by the applicants upon execution of solvent surety in the like amount. Therefore, in my opinion, the balance 50% amount together with accrued interest is to be paid to the applicant without any condition/security, since the applicants have already furnished surety while withdrawing 50% amount. Accordingly, the applicants are permitted to withdraw remaining 50% amount together with accrued interest.

5. Civil Application disposed of.

(K. L. WADANE, J.)

JPC