

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

CIVIL APPLICATION NO. 2384 OF 2017 IN FA/1213/2010

HARI JYOTIBA KOKANE
VERSUS
VICE CHANCELLOR MARATHWADA AGRICULTURAL
UNIVERSITY PARBHANI AND ANR

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Advocate for Applicant : Mr Chillarge Subhash S.
Advocate for Respondents : Mr M. N. Navandar For R/1
Mr G O Wattamwar AGP for R/2.

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CORAM : V.K. JADHAV, J.
Dated: March 08, 2017
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PER COURT :-

1. Heard both sides.
2. The learned counsel for the applicant submits that, similarly situated claimants whose lands acquired by the same acquiring body for the same purpose and arising out of same acquisition proceeding approached to the Supreme Court against the order passed by the Division Bench of this Court permitting them to withdraw the amount deposited before this Court on certain conditions and the Supreme Court allowed said applicants to withdraw the entire compensation amount on certain conditions. The Supreme Court has permitted them to withdraw compensation to the extent of 50% without any surety and remaining 50% on Bank Guarantee.

3. In the instant case, acquiring body has deposited only 50% of the amount awarded by the Reference Court at the enhanced rate.

4. Learned counsel for the applicants and respondent submit that the applicants may be permitted to withdraw said amount on furnishing undertaking to the satisfaction of the Registrar Judicial.

5. In view of the above submissions and the order passed by the Division Bench of this Court, the applicant herein already withdrawn amount to the extent of 25% without surety and 25% on bank guarantee.

6. In view of the order passed by the Division Bench of this Court in the similarly situated claimants, the application is allowed in terms of prayer clause 'B' on furnishing undertaking to the satisfaction of the Registrar (Judicial).

7. Civil Application accordingly disposed of.

(V.K. JADHAV, J.)

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aaa/-