

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

935 CIVIL APPLICATION NO. 6524 OF 2018 IN FA/1267/2017

SARLABAI SATYANARAYN BORA
VERSUS
M.S.I.D.C. LATUR THR ITS DIV. OFFICER, LATUR AND ANR
...

937 CIVIL APPLICATION NO. 6538 OF 2018 IN FA/1268/2017

GOVIND MAHADA WALSE (DIED) THR LRS CHANDRABHAGA AND ORS
VERSUS
M.S.I.D.C. LATUR THR ITS DIV. OFFICER, LATUR AND ANR
...

946 CIVIL APPLICATION NO. 7027 OF 2018 IN FA/2986/2017

JAGDISH GOPIKISHAN LAHOTI
VERSUS
M.S.I.D.C. LATUR THR ITS DIV. OFFICER, LATUR AND ANR
...

Advocate for Applicants : Mr. G. N. Kulkarni (Mardikar)
Advocate for Respondent No.1 : Mr. S. S. Dande.
AGP for Respondent No.2 : Mr. A. M. Phule.
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**CORAM : K.K. SONAWANE, J.
DATED : 15th JUNE, 2018.**

Order :-

Heard Mr. Kulkarni, learned counsel for applicants-original claimants and Mr. Dande, learned counsel for respondent – MSIDC. Mr. Phule, learned AGP on behalf of respondent State is present. Perused the applications and relevant documents on record.

2. The present applications are moved by the applicants seeking permission to withdraw the decretal amount deposited in this Court on behalf of the Acquiring Body.

3. Mr. Dande, learned counsel for respondent- Acquiring Body raised objection that the Special Land Acquisition Officer has offered compensation amount @ Rs.9/- per Sq.feet, whereas, the learned Reference Court has granted exorbitant amount @ Rs.14/- per sq. feet towards compensation for the acquired lands of the claimants.

Therefore, he prayed not to allow the applicants-original claimants for withdrawal of the amount.

4. In view of factual aspects and attending circumstances on record, it is not in dispute that the Acquiring Body has deposited the amount towards compensation. Admittedly, land of the applicants are under acquisition. Therefore, there is no impediment to allow the applicants-original claimants to withdraw some part of the compensation amount on certain terms and conditions. Definitely, it would sub-serve the purpose in the interest of justice and it would not cause any prejudice or loss to the appellant-Acquiring Body. Hence, application deserves to be allowed.

5. Accordingly, applications are partly allowed. The applicants-original claimants are permitted to withdraw 25% of the amount deposited in this court on furnishing undertaking to the effect that the applicants would refund the amount so withdrawn in case any contingency arises in the appeal. The applicants are further permitted to withdraw 25% of the balance decretal amount subject to condition that applicants shall furnish solvent surety/security of like amount to the satisfaction of the learned Registrar (Judicial) of this Court. Rest of the 50% amount deposited in this Court be invested in any Nationalized Bank for a period of two years or till decision of the present appeal/s, whichever is earlier and same be renewed if required. The Registry to do the needful for disbursement of the amount as mentioned above.

6. The civil applications stand disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.