

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

923 WRIT PETITION NO. 9826 OF 2018

BHAGURAM RAMA CHAME
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

924 WRIT PETITION NO. 9827 OF 2018

BABU SULEMAN SAYYED AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH

925 WRIT PETITION NO. 9828 OF 2018

NARHAR KISHANRAO KULKARNI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

926 WRIT PETITION NO. 9829 OF 2018

JANKABAI GOPINATH GAUTAM AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

927 WRIT PETITION NO. 9830 OF 2018

VITHAL MAHADA WALSE THROUGH LRS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

928 WRIT PETITION NO. 9831 OF 2018

CHANDAR MARUTI PITALE AND ANOTHER

VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

929 WRIT PETITION NO. 9832 OF 2018

BHIMA HANMANT HADGILE THROUGH LRS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

933 WRIT PETITION NO. 9887 OF 2018

VITHOBA RAMJI PITALE THROUGH LRS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

WITH

935 WRIT PETITION NO. 9896 OF 2018

KONDIBA NAMA GAUTAM THROUGH LRS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioners : Shri Deshpande Amit S.
AGP for Respondent1 : Shri Yadav-Lonikar S.R.
Advocate for Respondent 2 : Shri Dande S.S.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: August 29, 2018

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PER COURT :-

1. I have heard the learned Advocates for the respective sides and the learned AGP for respondent No.1. I have perused the following orders:-

(a) Order dated 24.3.2017, passed by the learned Division Bench of this Court (Coram : R.M.Borde & P.R.Bora, JJ.) in Civil Application No.530 of 2017 in First Appeal No.2514 of 2016 and connected matters.

(b) Order dated 7.2.2018 passed by the learned Division Bench of this Court (Coram : Sunil P. Deshmukh & P.R. Bora, JJ.) in Civil Application No.530 of 2017 in First Appeal No.2514 of 2016 and connected matters.

(c) Order dated 23.3.2018 passed by the Honourable Apex Court in Civil Appeal Nos.3192-3211 of 2018, filed by these petitioners.

(d) Impugned order dated 30.7.2018, passed by the LAR Court in LARD No.399 of 2015 and connected matters.

2. There is no dispute that the entire amount granted by way of enhancement in compensation by the LAR Court under Section 18 of the Land Acquisition Act, 1894, has been deposited in this Court in the pending First Appeals, which have been admitted and the order of enhancement has been stayed subject to the condition that the entire enhanced amount would be deposited by the appellant / acquiring body in this Court. It is equally undisputed that the Honourable Apex Court has permitted these petitioners, who were appellants before the said Court, to withdraw 50% of the enhanced compensation by furnishing security to the satisfaction of the Reference Court and the remaining

50% of the enhanced compensation to be withdrawn without security.

3. The claimants as well as the acquiring body submit before this Court that inadvertently it was not pointed out to the Honourable Apex Court that the enhanced compensation has been deposited in this Court and not before the Reference Court. In this backdrop, the learned counsel for the claimants as well as the acquiring body jointly submit on instructions that the applicants have tendered a bank guarantee for the amount equivalent to 50% of the enhanced compensation in this Court and the applicants have withdrawn 50% of the amount. 25% of the amount is also withdrawn with an undertaking.

4. It is undisputed that on the basis of the bank guarantee issued by the Osmanabad Janata Sahakari Bank Limited, dated 26.4.2017, the petitioners have already withdrawn 50% of the enhanced compensation from this Court and the bank guarantee indicates that it is in tune with the order of the learned Division Bench dated 7.2.2018. The bank guarantee is to last for a period of six months beyond the dates on which the first appeals would be decided.

5. Learned counsel for the petitioners submits that it was probably on incorrect advise that these petitioners approached the LARD Court and the impugned order is passed permitting these claimants to submit

a bank guarantee of any Scheduled Bank or multi State Cooperative Bank to the extent of 50% of the enhanced compensation amount. Grievance of these claimants is that such a bank guarantee has already been tendered in this Court pursuant to the order of the first appellate Court.

6. In view of this position, these petitions are disposed off as the impugned order passed by the LARD Court is deemed to be satisfied by virtue of the bank guarantee deposited in this Court by these petitioners / claimants which is in tune with the order dated 7.2.2018, passed by the learned Division Bench in the First Appeal.

(RAVINDRA V. GHUGE, J.)

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akl/d

Ajay
Kishanrao
Losarwar

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signed by Ajay
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