

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

911 CIVIL APPLICATION NO. 2600 OF 2018
IN
FIRST APPEAL ST. NO. 35996 OF 2015

SHIVAJI GANPATRAO PHANDRE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

WITH
CIVIL APPLICATION NO. 2601 OF 2018
IN
FIRST APPEAL (ST) NO. 35961 OF 2015

SUBHASH MUKUND SHENDGE AND ANOTHER
VERSUS
THE DIVISIONAL MANAGER/ OFFICER MIDC, LATUR

WITH
CIVIL APPLICATION NO. 2599 OF 2018
IN
FIRST APPEAL (ST) NO. 36003 OF 2015

DAGDHU SAMBHAJI SURYWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Katneshwarkar P.R.
Advocate for Respondent No. 2 : Mr. S.S.Dande
AGP for Respondent No. 1 : Mr. A.P. Basarkar

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CORAM : SUNIL K. KOTWAL, J.

DATE : AUGUST 28, 2018

O R D E R :

Heard learned counsel for the applicants, learned AGP and learned counsel for the Acquiring Body.

2] Perused the applications. It has been submitted that Division Bench of this Court under order dated 8.7.2016 allowed the claimants in that matter to withdraw the amount as the lands under acquisition in both matters are having same characteristics and potentiality. Therefore, learned counsel for the applicants prayed to pass similar order in this matter for permission to withdraw the amount on behalf of the applicants.

3] In view of the submissions, as well as no objection on behalf of learned AGP and learned counsel for the Acquiring body, the applicants are allowed to withdraw the amount in the following manner :-

[a] The applicants are hereby permitted to withdraw 25% of the amount deposited in this court on behalf of Acquiring Body on furnishing their personal undertaking to the satisfaction of Registrar (Judicial) of this Court that in case any adverse situation arises after adjudication of the appeal in favour of the Acquiring Body, they will

refund the amount forthwith, as per the direction of this court;

[b] The applicants are further permitted to withdraw 25% of the amount deposited in this court on behalf of the Acquiring Body, on furnishing solvent surety of like amount and another 25% of the amount deposited in this court by the Acquiring Body, on furnishing bank guarantee of any Nationalized Bank or Scheduled Bank;

[c] Rest of the 25 % amount deposited in this court on behalf of the Acquiring Body, be invested in FDR accounts in any Nationalized bank for a period of two years or till adjudication of the present appeal, whichever is earlier.

[d] Registry to do the needful for disbursement of the amount as directed above in favour of the applicants/original claimants.

[e] Civil applications stand disposed of accordingly.

[SUNIL K.KOTWAL, J.]

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