

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

**1071 CIVIL APPLICATION NO.6614 OF 2019
IN FA/4331/2017
WITH CA/6615/2019 IN FA/4330/2017
WITH CA/6616/2019 IN FA/4328/2017
WITH CA/6617/2019 IN FA/4329/2017
WITH CA/6618/2019 IN FA/4332/2017**

**NAVNATH PANDURANG SURYAWANHI (KASAB)
VERSUS
THE EX. ENGINEER, SINA KOLGAON PROJECT DIVISION, PARANDA
DIST-OSMANABAD AND ORS**

...
Advocate for Applicants : Mr. More Abhijit S.
AGP for Respondents/State : Mr. S.P. Deshmukh
Advocate for Respondent No.1 : Mr. R.C. Patil
...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 26th JULY 2019

ORDER :

. All these applications have been filed for withdrawal of the amount deposited by the appellants-acquiring body in view of the order passed by this Court. The learned Advocate appearing for the applicants has placed on record the order dated 13.04.2018 passed by this Court in Civil Application No.3021 of 2018 and other matters and prayed for similar order. However, the learned Advocate for present respondent No.1 submits that there is difference in those matters and the circulation in respect of each of the matter would definitely required to be made at

the time of final hearing. He tried to demonstrate that in some of the matters, the learned Reference Court has taken the land of some of the applicants as seasonally irrigated and in some other matters some different criteria has been adopted and therefore, though he submits that he has no objection for partial withdrawal, yet he prays that the interest of the acquiring body be also protected.

2. Taking into consideration the fact that the grounds in the appeal are on the point of wrong circulation, on the basis of holding some of the lands as seasonally irrigated and also the interest not charged as per the decision of the Full Bench of this Court, interest of the acquiring body deserves to be protected and therefore, the present applicants are allowed to withdraw 50% of the amount which has been deposited in this Court subject to giving an undertaking that they would make the said amount good, if directed at the time of final disposal of the appeals.

3. Civil Applications stand disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/