IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**912 CIVIL APPLICATION NO.9393 OF 2018**
IN FA/2190/2016

LAXMAN GANPATI MADANE (DIED) THR LRS RAJASBAI LAXMAN MADANE DIED LRS SHOBHABAI AND OTHERS
*VERSUS*
M.I.D.C. THR REGIONAL OFFICER, LATUR AND OTHERS

*WITH*

**913 CIVIL APPLICATION NO.11171 OF 2018**
IN FA/2184/2016
*WITH* CA/9280/2018 IN FA/2184/2016
*WITH* CA/9281/2018 IN FA/2184/2016
*WITH* CA/11170/2018 IN FA/2184/2016

SHANKAR YENKA MADANE DIED THR LRS EKNATH SHANKAR MADNE DIED THR LRS SUSHILABAI AND OTHERS
*VERSUS*
M.I.D.C. THR REGIONAL OFFICER, LATUR AND OTHERS

...
Advocate for Respondent Nos.4 to 6 & 9 : Mr. S. S. Manale.
…

*WITH*

**915 CIVIL APPLICATION NO.13562 OF 2017**
IN FA/2188/2016
*WITH* CA/13462/2016 IN FA/2191/2016
*WITH* CA/4023/2017 IN FA/2191/2016
*WITH* CA/9213/2017 IN FA/2196/2016
*WITH* CA/9215/2017 IN FA/2191/2016
*WITH* CA/8104/2018 IN FA/2191/2016
*WITH* CA/8126/2018 IN FA/2196/2016
*WITH* CA/852/2019 IN FA/2196/2016

GANGARAM YASHWANTA WADGAVE
DIED THR LRS BAJRANG AND OTHERS
*VERSUS*
M.I.D.C. THR REGIONAL OFFICER, LATUR AND OTHERS

*WITH*

**917 CIVIL APPLICATION NO.11139 OF 2018**
IN FA/2192/2016 *WITH* CA/15002/2018 IN X-OBJST/13048/2018

SUBHASH NIVRUTTI MADANE
*VERSUS*
M.I.D.C. THR REGIONAL OFFICER, LATUR AND OTHERS

*WITH*

**918 CIVIL APPLICATION NO.11920 OF 2018**
IN FA/2197/2016 *WITH* CA/9214/2017 IN FA/2197/2016
*WITH* CA/851/2019 IN FA/2197/2016

KASHIBAI DEELIP MADANE AND ANOTHER
*VERSUS*
M.I.D.C. THR REGIONAL OFFICER, LATUR AND OTHERS

*WITH*

**919 CIVIL APPLICATION NO.14773 OF 2018**
IN FA/2189/2016

CHANDRAKANT EKNATH KULKARNI
*VERSUS*
M.I.D.C. THR REGIONAL OFFICER, LATUR AND OTHERS

*WITH*

**CIVIL APPLICATION NO.9394 OF 2018**
IN FA/2198/2016

RAJARAM GANPATI MADANE (DIED) THR LRS GANPATI (DIED)
THR LRS GANGAWATI AND OTHERS
*VERSUS*
M.I.D.C. THR REGIONAL OFFICER, LATUR AND OTHERS

*WITH*

**CIVIL APPLICATION NO.11334 OF 2018**
IN FA/2194/2016

SHIVAJI RAMBHAU MADANE AND OTHERS
*VERSUS*
M.I.D.C. THR REGIONAL OFFICER, LATUR AND OTHERS

…

Advocate for Applicants : Mr. Satish S. Manale / Mr. P. P. More /
Mr. G. R. Syed / Mrs. S. E. Madne (Narwate).

Advocate for Respondent / MIDC : Mr. S. S. Dande.

AGP for Respondent/State: Mr. R. B. Bagul / Mr. P. N. Kutti /
Mr. S. P. Tiwari & Mr. A V. Deshmukh.

…

CORAM : **T. V. NALAWADE &**
**SUNIL K. KOTWAL, JJ.**

DATE : 29th January, 2019.

PER COURT:

. In the aforesaid matters, there are may civil applications. Most of them are filed by original Claimants / owners for disbursement of the amount deposited in this Court by the acquiring body and also for direction to the acquiring body to deposit the remaining 25% of compensation amount. Some applications are filed for intervention.

2 The aforesaid matters which are on today's board are considered today and also Civil Application No.11334 of 2018, which is not on board, is taken on board and it is considered today. Civil Application No.9394 of 2018 is also considered today.

3 Civil Application No.9215 of 2017 is filed for intervention and the Applicant is claiming to be the legal representative of the original Claimant. It was submitted that she is a daughter of the deceased and in that capacity she is entitled to get share in the compensation. The submissions made show that civil suit is already filed in that regard. In such cases, this Court is not expected to decide the entitlement of the intervenor and such order can be made by the Civil Court. Civil Application No.9213 of 2017 is already disposed of, but it is shown wrongly on board and so it is to be shown as already disposed of. Submissions made show that the Applicant in Civil Application No.4023 of 2017 is already dead and so that proceeding is disposed of as abated. In Civil Application No.852 of 2019 there is a claim that the Applicant is legal representative of the deceased and in that capacity the Applicant is entitled to get share in the compensation. As already observed, the entitlement of the Applicant can be decided by the Civil Court and this Court will not be ascertaining the entitlement as the Special Land Acquisition Officer must have considered relevant record at the time of passing of award in that regard. So, Civil Application No.9215 of 2017, Civil Application No.4023 of 2017 and Civil Application No.852 of 2019 are disposed of as rejected.

4 In other applications, this Court has considered the previous order made by this Court. The order was taken to the Supreme Court in Special Leave to Appeal (C) No.13191-13194 of 2018. The Apex Court made the following order in those proceedings.

> "Delay condoned.
>
> Following our Order dated 11.09.2017, we direct that 50% of the enhanced compensation granted to the petitioners shall be released without furnishing security but on an undertaking to be furnished within a period of four weeks from today and the balance of 50% shall be released on furnishing security to the satisfaction of the Reference Court.
>
> The Special Leave Petitions are disposed of accordingly.
>
> Pending applications, if any, shall stand disposed of."

5 This Court had granted stay in appeals filed by the acquiring body subject to condition of depositing 75% of the amount of compensation. Stay order was not challenged by anybody including the Applicants of present proceedings, though Mr. Manale, learned counsel submits that prayer was made in the proceedings filed before

the Supreme Court to give direction to the acquiring body to deposit remaining 25% amount also. Aforesaid order of the Apex Court, does not show that such direction is given by the Apex Court for getting the stay.

6 While making order of disbursement in the past, this Court had considered that 75% amount of compensation is deposited in this Court and out of that amount, this Court had allowed to withdraw 50% amount of the deposited amount. This 50% amount was again divided by this Court and 50% of this amount was to be released on furnishing undertaking and the remaining 50% was to be released on furnishing solvent surety or on giving bank guarantee for that amount. Thus, only 75% amount was lying in this Court as per the order of stay made by this Court and out of that amount, this Court had allowed to withdraw 50% amount. Now the Apex Court has directed to see that 100% amount is disbursed as per the aforesaid order. If the original Claimants want to see that the acquiring body is made to pay the remaining 25% amount also, then clarification in that regard needs to be obtained from the Apex Court. For following the order made by the Apex Court, this Court is hereby directing the office of this Court to send the remaining amount, which is 50% of the amount deposited in

this Court to the Reference Court so that said amount is disbursed by the Reference Court as per the aforesaid directions given by the Apex Court. In the aforesaid terms, all the applications are allowed and disposed of.

**[ SUNIL K. KOTWAL, J. ]** **[ T. V. NALAWADE, J. ]**

*ndm*