

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.2566 OF 2020
IN FIRST APPEAL NO. 641 OF 2015

CHANDAR BAPU KOTWAD DIED THROUGH L.RS. JIJABAI THROUGH
HER POWER OF ATTORNEY MEERABAI JATAL AND OTHERS
VERSUS
THE M.I.D.C. THROUGH REGIONAL OFFICER DIVISION
AT LATUR AND OTHERS

...
Mr. A.N. Irpatgire, Advocate for applicants
Mr. S.B. Bhosale, Advocate for respondent no. 1
Ms. D.S. Jape, AGP for respondent - State
...

CORAM : SUNIL P. DESHMUKH &
B.U. DEBADWAR, JJ.
DATE : 13-03-2020

ORDER :

1. Present application has been moved by applicants, contending that the claimants whose lands are acquired for the same project under same notification for which the applicants' land is acquired, have received the entire amount of compensation. He submits that applicants have withdrawn 75% of the amount deposited in this court.

He further refers to that a few claimants had been before supreme court seeking 100% withdrawal of the amount and same has been allowed. For said purpose, learned counsel for applicants refers to page 15 of the paperbook and order of supreme court.

Learned counsel for applicants further refers to that applicants are women and are in dire need of the amount for various purposes and their source of livelihood has been taken away under acquisition.

2. Learned counsel for respondent no. 1 purports to contend that applicants had not been before the supreme court seeking similar relief.

3. Looking at that the other claimants having been allowed to withdraw entire amount deposited subject to conditions referred to in the order and while the applicants' needs are not seriously disputed, we deem it expedient that applicants be allowed to withdraw the amount as prayed for in clause (B), subject to their filing an undertaking in this court that they would indemnify the State government against all the claims in respect of land acquisition / compensation being withdrawn and that they would deposit the amount back in this court in case decision in first appeal goes adverse to their interest within a period of eight (8) weeks from the date of said decision.

4. Civil application accordingly is disposed of.

[B.U. DEBADWAR]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

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