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

CIVIL APPLICATION NO.11095 OF 2019 IN
WRIT PETITION NO.8406 OF 2018

Mahadu s/o Patilba Tupe (Died), L.Rs.
Pundlik s/o Mahadu Tupe & ors. ... APPLICANTS

VERSUS

The Collector, Aurangabad & others ... RESPONDENTS

.....
Shri S.K. Adkine, Advocate for applicants
Mrs. P.V. Diggikar, A.G.P. for State
.....

**CORAM: PRASANNA B. VARALE AND
R.G. AVACHAT, JJ.**

DATED : 24th JANUARY, 2020

ORAL ORDER :

1. Heard Mr. Adkine, learned counsel for the applicants. By way of present application, the applicants pray for withdrawal of the amount deposited in this Court. Though it is stated in the application that the respondent No.2 passed an award as per compromise judgment dated 13/12/2014 and an amount of Rs.4,05,664/- is deposited by the respondent no.2 in August 2019 with Nazir Department of this Court, the relevant orders are not placed on record, and the learned counsel for the applicants was

kind enough to permit us to go through the record and file maintained by the learned counsel so as to refer the factual aspects.

2. Writ Petition No.8406/2018 was filed by Pundlik s/o Mahadu Tupe, seeking directions to respondents No.2 and 3 i.e. Collector, Aurangabad through Special Land Acquisition Officer, Jayakwadi Project No.2, Aurangabad and Executive Engineer (Irrigation), Zilla Parishad, Aurangabad to deposit compensation amount as per order dated 13/12/2014, passed by the Lok Adalat, High Court, Bench at Aurangabad in First Appeal No.1860/2010.

3. Perusal of the order dated 13/12/2014 shows that, the Lok Adalat Panel directed the respondents to pay compensation @ Rs.1100/- per R along with all consequential benefits like solatium, component etc., permissible under law. It was further stated in the order that the award may be drawn accordingly. On a grievance that, in spite of the order, the amount was not deposited, the petition was filed in this Court.

4. By order dated 9/1/2019, the Division Bench of this Court referred to the submissions. It was submitted before this Court that consent award is passed in Lok Adalat on 13/12/2014. The compensation though awarded, the amount of compensation is not paid. The Division Bench then stated in the order that in

case the award is passed in favour of the petitioner and same is in force, then the respondents shall pay compensation to the petitioner as per the order, within nine months from the date of the order and the Writ Petition was accordingly disposed of.

5. It was the oral submission of Mr. Adkine, learned counsel for the applicants that, though the order was passed by this Court, same was not complied with. As such, a Contempt Petition was filed in this Court. In view of certain orders passed in the Contempt Petition, the respondent authorities deposited the amount of compensation in this Court in the month of August 2019. It is then submitted by the learned counsel for applicants that the applicants are the legal representatives of the petitioner Pundlik Mahadu Tupe.

6. On perusal of the application, it reveals that, the petitioner Pundlik Mahadu Tupe was the legal representative of one Mahadu Patilba Tupe and he is applicant No.1-A whereas other applicants are the other legal representatives/ heirs, said to be brought on record. Considering the fact that the land-holders were constrained to face a long drawn proceeding and now the amount is deposited in this Court and it is stated in the application that the applicants No.1-B to 1-H have consented applicant No.1-A to withdraw the said amount on their behalf, by consent letter dated 28/8/2019. A copy of the said consent letter

is placed on record. As such, we allow the application in terms of prayer clause (B), subject to the satisfaction of the Registrar (Judicial) of this Court on only the factual aspect of the status of applicant, being the legal representatives, and the consent granted to applicant No.1-A is an act of free will.

7. The Civil Application is accordingly disposed of.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-