

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

945 CIVIL APPLICATION NO. 14904 OF 2019
IN FA/717/2009

PACHABAI KAPPUSING DEDWAL AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR SPECIAL LAND ACQUISITION
OFFICER, COLLECTORATE, AURANGABAD

...
Advocate for Applicants : Mr. Sonaji K Adkine
AGP for Respondent No. 1: Mr. R.B. Bagul

...
CORAM : K.K. SONAWANE, J.
DATED : 22nd JANUARY, 2020.

ORDER :-

1. Heard learned counsel for the applicants and learned AGP for respondent No. 1.
2. The present applicants, who are the original claimants as well as legal heirs of the deceased original claimants, moved the present application seeking permission of withdrawal of decretal amount deposited in this Court as per award passed by the Reference Court under Section 18 of the Land Acquisition Act. It has been contended that lands of the applicants were acquired by respondent-State of Maharashtra for left Canal of Girja Medium Project, Adgaon. The learned Reference Court granted enhanced compensation under Section 18 of the Land Acquisition Act, 1894. But, the claimants were not satisfied by such Award and preferred the First Appeal No. 717 of 2009.
3. Pending the appeal, the dispute came to be settled amicably between applicants - original claimants and respondent-State of Maharashtra/ Acquiring Body in *Lok-adalat* held on 30-12-2013. Pursuant to said settlement, respondent-State of Maharashtra/ Acquiring Body deposited total sum of Rs.9,01,798/- in this Court towards compensation amount for the acquired lands of the claimants. Today, the original claimants and legal heirs of deceased claimants moved present application seeking permission to withdraw the amount.

4. The applicants requested to disburse the amount in their favour as per their shares in the acquired lands. Though prayer was made for disbursement of individual share in the compensation amount, the learned counsel waives the relief claimed for disbursement of compensation as per the shares of claimants. It is to be noted that all the claimants including the deceased claimants initiated proceedings under section 18 of the Land Acquisition Act, 1894 jointly and learned Reference Court passed the Award in their favour. Thereafter, the claimants preferred present proceeding of First Appeal No. 717 of 2009 jointly and commonly seeking more enhancement of compensation. In such circumstances, issue of apportionment of compensation amount in between the share holders of the acquired lands was not dealt with by Reference Court nor it was the issue in First Appeal. Therefore, it would be unsafe to accept contention of the applicants-claimants for disbursement of compensation amount in their favour as per their share in the acquired lands. In the result, the prayer for disbursement of compensation amount individually as per their share cannot be accepted. However, the applicants are allowed to withdraw amount of Rs.9,01,798/- deposited in this Court jointly and in common. Thus, the application to that extent can be allowed.

5. Accordingly, Civil Application stands partly allowed. A prayer for disbursement of amount individually according to their share in the acquired lands is hereby rejected. However, the applicants claimants are allowed to withdraw the entire compensation amount jointly and in common. The Registrar (Judicial) to do the needful for disbursement of entire amount in favour of applicants-claimants jointly and in common.

6. Accordingly, Civil Application stands disposed of in above terms.

Sd./-

[K. K. SONAWANE]
JUDGE