

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.6305 OF 2020
IN FA/2096/2014

VISHNU GUNDA GHODKE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

908 CIVIL APPLICATION NO.6379 OF 2020

IN FA/435/2016 WITH CA/1077/2016 IN FA/435/2016

TULSHIRAM KHANDU SABNE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

909 CIVIL APPLICATION NO.6407 OF 2020
IN FA/292/2015

LALITA ASHOK DANDGE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

910 CIVIL APPLICATION NO.6422 OF 2020
IN FA/2092/2014

PANDURANG RAMA BODKE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

911 CIVIL APPLICATION NO.6424 OF 2020
IN FA/310/2015

CHANDRAKANT SHANKAR BIRAJDAR
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

912 CIVIL APPLICATION NO.6425 OF 2020

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IN FA/341/2015

HARI TUKARAM BIRAJDAR
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

913 CIVIL APPLICATION NO.6430 OF 2020
IN FA/290/2015

MADHAV TIPPA GHODKE DEAD THROUGH HIS LRS RATANBAI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

914 CIVIL APPLICATION NO.6444 OF 2020
IN FA/307/2015

RAMESH NAGORAO GAIKWAD DEAD THROUGH ITS LRS CHAYABAI GAIKWAD
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

915 CIVIL APPLICATION NO.6445 OF 2020
IN FA/343/2015

ANANT TUKARAM BIRAJDAR
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

916 CIVIL APPLICATION NO.6648 OF 2020
IN FA/2104/2014

SANJAY PANDITRAO BIRAJADAR DEAD THROUGH HIS LRS SINDHUBAI
BIRAJADAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

918 CIVIL APPLICATION NO.6690 OF 2020
IN FA/2095/2014

SANTRAM GUNDA GHODKE (DECEASED) THR LRS MANGALBAI GHODKE AND OTHERS

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VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

919 CIVIL APPLICATION NO.6706 OF 2020
IN FA/2098/2014

RAMESH VITHALRAO MORE (DECEASED) THR LRS SHAKUNTALA MORE AND ORS
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

920 CIVIL APPLICATION NO.7119 OF 2020
IN FA/2099/2014

VIJAYKUMAR NIVRUTIRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

921 CIVIL APPLICATION NO.7147 OF 2020
IN FA/2100/2014

RAVINDRA NIVRUTIRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

922 CIVIL APPLICATION NO.8059 OF 2020
IN FA/2097/2014

BIRU MAHADU SONTAKKE DEAD THROUGH HIS LRS SHANTABAI AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR
AND

923 CIVIL APPLICATION NO.2629 OF 2021
IN FA/342/2015

VITHAL TUKARAM BRAJDAR
VERSUS
THE STATE OF MAHARASHTRA, THROUGH COLLECTOR, OSMANABAD AND
ANOTHER

AND

924 CIVIL APPLICATION NO.3189 OF 2021
IN FA/2094/2014

SHANTABAI BIRU SONTAKKE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, OSMANABAD AND ANR

Mr.N.B.Khandare, Advocate for the applicants.
Mr.S.S.Dande, Advocate for respondent No.2.
Mr.S.G.Sangle, Mr.P.S.Patil, Mr.S.B.Yawalkar, Mr.S.R.Yadav-Lonikar, AGPs' for State.

(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ)

DATE : AUGUST 12, 2021

PER COURT :

1. In all these civil applications, the learned Advocates for the applicants pray for withdrawal of compensation amount. This Court had passed an order in the first appeals directing the appellants to deposit the entire amounts awarded by the Reference Courts. However, by order dated 27/03/2015, in a group of civil applications, this Court permitted withdrawal of only 50% of the amounts. A group of applicants approached the Hon'ble Apex Court in Manik Rama Bodke, deceased through LR's and others Vs. State of Maharashtra and another in Civil Appeal Nos.523/2017. The Hon'ble Apex Court disposed off the appeals by order dated 02/01/2017 directing that 50% of the enhanced compensation granted to the claimants shall be released without security and the balance amount of 50% shall be released on furnishing security to the satisfaction of the

Collector.

2. The applicants have already withdrawn 25% of the amount deposited by tendering an affidavit undertaking and the remaining 25% by tendering the solvent security to the satisfaction of the District Collector.

3. Now that the entire amount is before this Court, out of which 50% has been withdrawn, these applicants pray for the remainder amount alongwith the accrued interest on the same principle.

4. Mr.Dande, the learned Advocate has vehemently opposed these applications and submits that astronomical enhancement has been granted by the Reference Court. By way of an example, he states that the Special Land Acquisition Officer had granted compensation @ Rs.250 Per R in some cases. The Reference Court enhanced the compensation to Rs.10,000/- per R and Rs.12,000/- per R. Such enhancements are unsustainable in Law. The appellants have a very strong case on merits and if they succeed against the impugned awards of the Reference Court, it would be very difficult to recover the amounts from these applicants.

5. We do appreciate the contentions of Mr.Dande. When this Court had directed the appellants to deposit the entire amount, the claimants were permitted to withdraw 50% with the above mentioned conditions. Since

the Hon'ble Apex Court has permitted these claimants to withdraw balance 50% amount, we do not find that it would be appropriate for this Court to accept the submissions of the learned Advocate for the appellants.

6. In view of the above, these applications are allowed with the following directions :-

[a] Similar to the earlier directions for withdrawal, the applicants would withdraw 50% of the balance amount alongwith interest by tendering an affidavit undertaking stating therein that if these applicants suffer an adverse order in this litigation, they would deposit those amounts which are found to have been received in excess, in this Court within 8 weeks, failing which, this Court would impose interest.

[b] The remaining amount can be withdrawn by these applicants by furnishing security to the satisfaction of the learned Registrar (Judicial) of this Court, as the amounts are deposited at Aurangabad.

[c] The applicants would tender a copy of their Aadhar Cards duly attested and would be identified by the concerned Advocates at the time of the withdrawal of the amounts. In addition, they would also tender a recent colour photograph alongwith the application for withdrawal.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)