

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

WRIT PETITION NO. 9818 OF 2021

Dattu s/o Keshav Shinde ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

.....

Mr. Abhijit S. More, Advocate for Petitioner

Mr. K.B.Jadhavar, A.G.P. for Respondent Nos. 1 to 3

.....

AND

WRIT PETITION NO. 9819 OF 2021

Suman Hari Shinde ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

.....

Mr. Abhijit S. More, Advocate for Petitioner

Mr. K.B.Jadhavar, A.G.P. for Respondent Nos. 1 to 3

.....

AND

WRIT PETITION NO. 9820 OF 2021

Bapu s/o Keshav Shinde ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

.....

Mr. Abhijit S. More, Advocate for Petitioner

Mr. K.B.Jadhavar, A.G.P. for Respondent Nos. 1 to 3

.....

CORAM : MANGESH S. PATIL, J.

DATE : 24-09-2021.

ORAL ORDER :

01. Heard both the sides finally.

02. The petitioners are the original claimants in whose favour a Land Acquisition References were decided. By moving separate applications in all these these proceedings, a request was made permitting them to withdraw the sums deposited by the respondents-acquiring body. By the impugned orders, perhaps, in view of the stay granted by this Court in a First Appeal preferred by the respondents- acquiring body, the learned Judge of the Executing Court refused to permit the petitioners to withdraw the amounts of compensation.

03. Learned Advocate for the petitioners as also learned Advocate for the respondents-acquiring body have unanimously submitted that the compensations in respect of irrigated land and compensation in respect of un-irrigated land has been asserted separately. They also submit that the amounts that have been deposited in the Court are pertaining to un-irrigated lands regarding which the respondent-acquiring body has not raised any dispute and has not even challenged that part of the impugned awards

in the First Appeals pending before this Court. They also unanimously submit that the stay granted by this Court in those appeals was in respect of the compensation assessed for the irrigated lands.

04. In view of above state of affairs the Writ Petitions are allowed. The impugned orders are quashed and set aside. The learned Judge shall decide the applications afresh bearing in mind the aforementioned facts and circumstances.

[MANGESH S. PATIL]

JUDGE

Dahibhate/-