

1

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

CIVIL APPLICATION NO.12918 OF 2021

IN

FA/3214/2018

RAMESH IRANNA WAKSE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

AND

CIVIL APPLICATION NO.12919 OF 2021

IN

FA/3215/2018

RAMCHANDRA DHARMA LAWATE (DIED) THROUGH LRS
SHANTBAI RAMCHANDRA LAWATE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

AND

CIVIL APPLICATION NO.12920 OF 2021

IN

FA/3216/2018

DHANAJI UTTAM LAWATE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

AND

CIVIL APPLICATION NO.12921 OF 2021

IN

FA/3217/2018

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PATHAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

2

AND

CIVIL APPLICATION NO.12922 OF 2021

IN

FA/3218/2018

TANAJI UTTAM LAWATE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

AND

CIVIL APPLICATION NO.12923 OF 2021

IN

FA/3219/2018

MAROTI DHARMA LAWATE

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
OSMANABAD AND OTHERS

....

Mr. G.K. Sontakke, Advocate for the Applicant in all CAs.

Mr. P.M. Kulkarni, AGP for Respondent No.1 and 2 in all CAs.

Mr. Rahul A. Tambe, Advocate for Respondent No.3 in all CAs

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 04th DECEMBER, 2021

PER COURT:-

1. These are the applications moved by the applicants / original claimants seeking permission to withdraw the entire amount of compensation deposited by the acquiring body.

2. Heard Mr. G.K. Sontakke, learned counsel for the applicant, Mr. Kulkarni, learned AGP for respondent nos. 1 and 2 and

Mr. Rahul Tambe, learned counsel for respondent no.3 / acquiring body.

3. Mr. Sontakke, learned counsel for the applicants seeks leave to place on record the copy of order passed by this Court in connected matters arising out of same project.

4. Leave granted. Copy of the order passed by this Court dated 23.10.2020 in civil application no.6306/2020 with connected matters is taken on record and marked as 'X' for identification.

5. On perusing the copy of order, it is evident that my learned brother (Honourable Shri Justice V.K. Jadhav) vide order dated 23.10.2020 was pleased to allow the applicants / original claimants to withdraw 50% amount on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% amount on furnishing solvent surety or bank guarantee of any scheduled bank to the satisfaction of the Registrar (Judicial) of this Court.

6. I do not see any reason to take different view. The same course needs to be adopted in these applications for withdrawal of the amount.

ORDER

(i) The applications for withdrawal of amount are hereby allowed.

(ii) The applicants / original claimants are hereby allowed to withdraw 50% of the amount with accrued interest thereon deposited by the acquiring body / respondent no.3 on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% of the amount with accrued interest there on subject to furnishing solvent surety or bank guarantee of any scheduled bank to the satisfaction of the Registrar (Judicial) of this Court.

(iii) Remaining 25% of the amount of compensation with accrued interest thereon shall be invested in fixed deposit in any nationalized Bank initially for a period of two years with clause to renew it time to time.

(iv) The civil applications are disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane