

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 CIVIL APPLICATION NO.11384 OF 2017
IN FA/4047/2016 WITH CA/11382/2017 IN FA/4047/2016

RAMDAS RAMU NEMADE DECEASED
THR LRS SHANTABAI DECEASED THR
LRS YASHWANT AND OTHERS

VERSUS

THE AREA MANAGER, M.I.D.C. JALGAON MIDC,
JALGAON AND ORS

...

Advocate for Applicants : Mr Kuldeep S. Patil h/f Ms Usha V.Yadav
Advocate for Respondent No.1 : Mr S.S. Dande
AGP for Respondent Nos. 2 and 3 : Mr A.M. Phule

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 27th OCTOBER, 2021

PER COURT :

1. It is an application for withdrawal of amount moved by the applicants.
2. Heard the learned counsel Mr Kuldeep Patil holding for Ms Usha V. Yadav for the applicants, Mr Dande, learned counsel appearing for acquiring body/respondent No. 1 and Mr Phule, learned A.G.P. for respondent Nos. 2 and 3.
3. Mr Kuldeep Patil, learned counsel for the applicants has placed on record the copies of the orders passed by this court in Civil Application No. 1493/2019 in First Appeal No. 4107/2016 and Civil Application No. 2982/2021 in First Appeal No. 4159 of 2016 with connected matters

arising out of same land acquisition proceedings wherein this court was pleased to allow the applicants/claimants to withdraw the amount on condition to furnish security/bank guarantee and usual undertaking.

4. Mr Dande, learned counsel for respondent No.1/acquiring body and learned A.G.P. for State/respondent Nos. 2 and 3 opposed to allow this application whereas Mr Kuldeep Patil, learned counsel for the applicants urged to allow this application in view of the orders passed earlier by this court referred above.

5. There is no reason to take different view. By endorsing the same view, it would be appropriate to allow this application for withdrawal of amount, however, on certain conditions which would take care of apprehension raised by the acquiring body and the State. With this, I conclude and proceed to pass the following order :-

ORDER

- (I) The application is hereby allowed in terms of prayer clause 5(II).
- (II) The applicants shall furnish usual undertaking with the Registrar (Judicial) of this court to withdraw 25 % of the amount deposited by the acquiring body.

- (III) The applicants are further permitted to withdraw 75% of deposited amount on furnishing solvent surety/security/bank guarantee of any Nationalized Bank/Scheduled Bank in the like amount.
- (IV) The Civil Application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

mta