

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

CIVIL APPLICATION NO. 2794 OF 2022 IN FAST/6899/2021

SANGRAM RAGHUNATH KOMPLE (DIED) THROUGH LRS
MANGALBAI SANGRAM KOMPLE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT LATUR
AND OTHERS

WITH

CIVIL APPLICATION NO. 2788 OF 2022 IN FAST/6982/2021

SAMBHAJI RAGHUNATH KOMPLE
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT LATUR
AND OTHERS

WITH

CIVIL APPLICATION NO. 2793 OF 2022 IN FAST/6994/2021

KONDIBA RAGHUNATH KOMPLE
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT LATUR
AND OTHERS

WITH

CIVIL APPLICATION NO. 2791 OF 2022 IN FAST/6989/2021

GANGARAM RAGHUNATH KOMPLE (DIED) THROUGH LRS
SMT SUMANBAI GANGARAM KOMPLE AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, MEDIUM PROJECT LATUR
AND OTHERS

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Mr. V.G. Kodale, Advocate for the Applicants
Mr. H.P. Kshirsagar, Advocate for Respondent No.1
Mr. P.M. Kulkarni, AGP for Respondent Nos.2 and 3

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 15th MARCH, 2022

PER COURT:-

1. These are the applications moved by the respective claimants / applicants for withdrawal of compensation amount deposited by the appellants / acquiring body.
2. Heard Mr. Kodale, learned counsel for the applicants/ claimants, Mr. Kshirsagar, learned counsel for respondent no.1 / acquiring body and Mr. Kulkarni, learned AGP for respondent nos.2 and 3.
3. On perusing the record, it is revealed that the reference Court was pleased to enhance the amount of compensation by applying the rule of parity by accepting the rate of compensation awarded in L.A.R. (Group) No. 831 of 2006, which were out of the same acquisition proceedings and from the same village.
4. The Special land Acquisition Officer was pleased to award the compensation at the rate of Rs.910 per R (Rs. 36,400/- per Acre). The reference Court was pleased to enhance the same at the

rate of Rs.2,00,000/- per Acre for dry land and at the rate of Rs.4,00,000/- for irrigated land. The lands out of Gat nos. 356 and 357 from village Gharni, Tq. Chakur, Dist. Latur came to be acquired for the purpose Ambulga Storage Tank. It was a case of compulsory land acquisition.

5. Mr. Koldle, learned counsel for the applicants / claimants urged to allow the applicants / claimants to withdraw 100% amount deposited by the acquiring body in view of compensation awarded by the reference Court by relying upon the L.A.R. (Group) no. 831 of 2006, wherein the State has not preferred the appeal.

6. Mr. Kshirsagar, learned counsel for respondent no.1 / acquiring body strongly opposed to allow these applications. He submitted that at the most applicants / claimants may be allowed to withdraw 50% of the amount of compensation.

7. Having considered the submissions of both the sides and facts and circumstances of the case in hand, the applicants / claimants need to be allowed to withdraw the compensation amount to the extent of 75%, in view of practice adopted by this Court. It would meet the ends of justice and would protect the

rights and interest of the appellant / acquiring body in the subject matter. In the result, I proceed to pass the following order.

ORDER

- (i) The civil applications moved by the respective claimants for withdrawal of amount are hereby allowed.
- (ii) The applicants / claimants are hereby permitted to withdraw 75% amount of the compensation with accrued interest thereon deposited by the acquiring body / respondent no.2, 50% of the amount with accrued interest thereon subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court and 25% of the amount with accrued interest thereon subject to furnishing solvent surety / security 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 one year with clause to renewal.
- (iv) The civil applications are disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane