

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

921 CIVIL APPLICATION NO.2811 OF 2022

IN FA/1661/2013

WITH CA/2803/2022 IN FA/1655/2013

WITH CA/2804/2022 IN FA/1658/2013

WITH CA/2805/2022 IN FA/1656/2013

WITH CA/2806/2022 IN FA/1657/2013

WITH CA/2807/2022 IN FA/1660/2013

WITH CA/2812/2022 IN FA/1654/2013

DNYANOBA NAGOBA DANDIME
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicants : Mr. R. K. Ashtekar.

AGP for Respondent Nos.1 & 3 : Mr. S. P. Deshmukh.

Advocate for Respondent No.2: Mr. Arvind N. Gaddime.

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CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 01st April, 2022.

P.C.:

. These are the applications for withdrawal of compensation amount moved by the respective claimants in respective appeals by second time.

2 Heard Mr. Ashtekar, learned counsel for claimants, Mr.Deshmukh learned AGP for respondent Nos. 1 and 3 and Mr.Gaddime, learned counsel for respondent No.2/acquiring body.

3 Mr. Ashtekar, learned counsel for claimants submitted that this Court was pleased to allow the claimants to withdraw 60% of the

amount of compensation on furnishing undertaking to the satisfaction of the Reference Court. Accordingly, the claimants have withdrawn the same. He submitted that the lands of the respective claimants came to be acquired in the year 2000. The award came to be passed in the year 2003. The dispute is regarding rental compensation and interest under Section 34 of the Land Acquisition Act. The respective claimants have also preferred appeals for enhancement since the Reference Court has not considered the category of the acquired land as irrigated land. He submitted that these are the appeals of 2013 but adjourned on many occasions. He, therefore, prayed for withdrawal of compensation amount atleast 20% so that the claimants may get some relief.

4 Mr. Deshmukh, learned AGP for the State and Mr. Gaddime, learned counsel for the acquiring body strongly opposed to allow these applications. They submitted that there is no change in circumstance to consider these applications. The appeals can be expedited for final hearing. The claimants have already withdrawn 60% of the amount. The applications may be rejected.

5 I have considered the submissions of the learned counsel for the respective sides and the learned AGP for the State. It is not in dispute that the claimants have already withdrawn 60% of the amount of

compensation. Now, they are seeking withdrawal of remaining balance amount. It is evident that the appeals have been adjourned for time and again but could not be taken up for final hearing because of work pressure. It is a practice followed by this Court to allow the claimants arising out of land acquisition matters to withdraw 75% of the amount of compensation. By considering the same view and looking to the facts of the case, I am of the considered view to allow the respective claimants to withdraw 15% of the amount of compensation with accrued interest thereon, which would get some relief to the respective claimants. With these observations, I proceed to pass the following order:

ORDER

- I. The applications are hereby allowed.
- II. The respective applicants/claimants are hereby permitted to withdraw 15% of the amount of compensation with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Reference Court.
- III. The applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]