

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

CIVIL APPLICATION NO.2958 OF 2022 IN FA/175/2020

ACHUT VENKATI HOLE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION,
LATUR AND OTHERS

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Mr. B.R. Kedar, Advocate for the Applicant
Mr. S.G. Sangle, AGP for Respondent Nos.2 and 3 / State
Mr. B.R. Surwase, Advocate for respondent no.1 /acquiring body

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 22nd MARCH, 2022

PER COURT:-

1. It is an application for withdrawal of amount moved by the applicant / claimant.
2. Heard Mr. B.R. Kedar, learned counsel for the applicant / claimant, Mr. Sangle, learned AGP for respondent nos. 2 and 3 and Mr. B.R. Surwase, learned counsel for respondent no.1 / acquiring body.
3. Mr. Kedar, learned counsel for the applicant / claimant invited my attention to the order passed by this Court on previous date. He pointed out that as per the calculations made by the

Registry, total compensation come to Rs.6,16,2,888/-. Out of it, the acquiring body has deposited Rs. 1,63,17,040/-, which is less than 1/4th of the amount of compensation as per directions given by this Court. He, therefore, urged to allow this entire amount to be withdrawn lying with the Registry.

4. Mr. Surwase, learned counsel for the acquiring body strongly opposed to allow this application. Mr. Sangle, learned AGP also argued on the same line and raised objection to withdraw the entire amount lying with the Registry.

5. It is a case of payment of compensation to the land owners, whose lands were taken away by compulsory acquisition. It is the practice followed by this Court to allow the original claimants to withdraw 75% amount of the compensation. In this case, the acquiring body / respondent no.1 has only deposited 1/4th amount of the compensation and not complied with the directions given by this Court. As such, the applicant / claimant is entitled to withdraw entire amount of compensation deposited by respondent no.1 / acquiring body. However, on furnishing usual undertaking, which would take care of interest of the appellant / acquiring body.

ORDER

- (i) The applications is hereby allowed as under:
- (a) The applicant / claimant is hereby permitted to withdraw the amount of Rs. 1,63,17,040/- deposited by the acquiring body with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- (ii) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane