

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

921 CIVIL APPLICATION NO.846 OF 2022

IN  
FA/87/2022

NARAYAN BHIVA GATE  
VERSUS  
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, OSMANABAD  
AND ORS

WITH  
CIVIL APPLICATION NO. 844 OF 2022  
IN  
FA/85/2022

PRABHAKAR BABU GATE (DIED) THR LRS BALASAHEB AND ANR.  
VERSUS  
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, OSMANABAD  
AND ORS

WITH  
CIVIL APPLICATION NO.847/2022  
IN  
FA/86/2022

VILAS PANDHARI SALUNKE  
VERSUS  
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, OSMANABAD  
AND ORS

WITH  
CIVIL APPLICATION NO. 848 OF 2022  
IN  
FA/84/2022

HANUMANT GULAB MARADKAR  
VERSUS  
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, OSMANABAD  
AND ORS

WITH  
CIVIL APPLICATION NO. 2397 OF 2022  
IN  
FA/88/2022

SURESH UDDHAV MATE AND ANR  
VERSUS  
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR, OSMANABAD  
AND ORS

Mr L.C. Patil, Advocate for applicants  
Mr S.G. Sangle, A.G.P. for respondents no.1 and 2  
Mr R.C. Patil, Advocate for respondent no.3

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

**DATE : 11th March, 2022**

**PER COURT :**

1. These are the applications for withdrawal of compensation amount moved by the applicants/original claimants.
2. Heard Mr L.C. Patil, learned Advocate for applicants, Mr S.G. Sangle, learned A.G.P. for respondents no.1 and 2 and Mr R.C. Patil, learned Advocate for respondent no.3.
3. Mr R.C. Patil, learned Advocate for respondent no.3 submitted that the reference Court has awarded compensation under Section 23 of the Land Acquisition Act and also awarded interest under Section 28 of the Land Acquisition Act contrary to the Full Bench decision of this Court of **State of Maharashtra, through Sub Divisional Officer and Special Land Acquisition Officer, Darwha, District Yavatmal Vs. Kailash Shiva Rangari**, reported in **2016 (3) Mh.L.J. 457**. He, therefore, strongly opposed to allow the applications for withdrawal of amount.
4. Mr L.C.Patil, learned Advocate for applicants/claimants submits that the acquiring body has deposited the amount of compensation as per the orders of this Court, but after deducting the interest part as per the Full Bench decision of this Court and now deposited the entire amount of compensation as per the orders of the Court. In fact, the acquiring body ought to have taken prior permission of the Court before making that exercise of deduction of interest part by taking help of Full Bench decision of this Court in case of **State of Maharashtra Vs. Kailash Shiva Rangari** (supra).
5. Be that as it may, it is the practice of this Court to allow the claimant to withdraw 75% of the amount of compensation and that view needs to be followed.

**ORDER**

- (i) The Civil Applications are hereby allowed in terms of prayer clause (B).
- (ii) The applicants/claimants are permitted to withdraw 50% of the amount of compensation on furnishing usual undertakings with the Registrar (Judicial) of this Court.
- (iii) The applicants/claimants are permitted to withdraw 25% of the amount of compensation on furnishing solvent sureties/securities to the satisfaction of Registrar (Judicial) of this Court.
- (iv) After furnishing such undertakings and solvent sureties/securities by the applicants, the Registry to make payment to the extent of 75% amount of compensation as per the procedure.
- (v) The Civil Applications are accordingly disposed of.

**( SHRIKANT D. KULKARNI, J.)**

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