

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

907 CIVIL APPLICATION NO.2388 OF 2022 IN FA/129/2022

HUSEN KHAN ISMAIL KHAN
VERSUS
THE EXECUTIVE ENGINEER, KHADAKPURNA PROJECT
DEOLGAON RAJA AND OTHERS

....

Mr. V.B. Patil, Advocate for the Applicant
Mr. Sanjeev B. Deshpande, Advocate for Respondent No.1
Mr. A.B. Chate, AGP for Respondent Nos. 2 and 3

AND

908 CIVIL APPLICATION NO.2389 OF 2022 IN FA/130/2022

SK. MUKHTAR S/O SK. MOHAMMAD
VERSUS
THE EXECUTIVE ENGINEER, KHADAKPURNA
PROJECT DEOLGAON RAJA AND OTHERS

....

Mr. V.B. Patil, Advocate for the Applicant
Mr. Sanjeev B. Deshpande, Advocate for Respondent No.1
Mr. P.M. Kulkarni, AGP for Respondent Nos. 2 and 3

AND

909 CIVIL APPLICATION NO.2390 OF 2022 IN FA/133/2022

ASHABEE KARIM KHAN
VERSUS
THE EXECUTIVE ENGINEER, KHADAKPURNA
PROJECT DEOLGAON RAJA AND OTHERS

....

Mr. V.B. Patil, Advocate for the Applicant
Mr. Sanjeev B. Deshpande, Advocate for Respondent No.1
Mr. A.B. Chate, AGP for Respondent Nos. 2 and 3

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AND

910 CIVIL APPLICATION NO.2391 OF 2022 IN FA/134/2022

RINABAI SANJAY KHANDELWAL

VERSUS

THE EXECUTIVE ENGINEER, KHADAKPURNA PROJECT
DEOLGAON RAJA AND OTHERS

....

Mr. V.B. Patil, Advocate for the Applicant

Mr. Sanjeev B. Deshpande, Advocate for Respondent No.1

Mr. A.B. Chate, AGP for Respondent Nos. 2 and 3

AND

911 CIVIL APPLICATION NO.2392 OF 2022 IN FA/135/2022

HASAN KHAN ISMAIL KHAN

VERSUS

THE EXECUTIVE ENGINEER, KHADAKPURNA PROJECT
DEOLGAON RAJA AND OTHERS

....

Mr. V.B. Patil, Advocate for the Applicant

Mr. Sanjeev B. Deshpande, Advocate for Respondent No.1

Mr. P.M. Kulkarni, AGP for Respondent Nos. 2 and 3

AND

912 CIVIL APPLICATION NO.2394 OF 2022 IN FA/131/2022

WITH

CA/13443/2019 IN FA/132/2022 WITH CA/13441/2019 IN
FA/131/2022 WITH CA/2395/2022 IN FA/132/2022

RAHIM KHAN YASIN KHAN

VERSUS

HE EXECUTIVE ENGINEER, KHADAKPURNA PROJECT
DEOLGAON RAJA AND OTHERS

....

Mr. V.B. Patil, Advocate for the Applicant

Mr. Sanjeev B. Deshpande, Advocate for Respondent No.1

Mr. P.M. Kulkarni, AGP for Respondent Nos. 2 and 3

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AND

913 CIVIL APPLICATION NO.2742 OF 2022 IN FA/103/2022

GAFAR SHAIKH RAJJAK
VERSUS
HE EXECUTIVE ENGINEER, KHADAKPURNA PROJECT
DEOLGAON RAJA AND OTHERS

....

Mr. V.B. Patil, Advocate for the Applicant
Mr. Sanjeev B. Deshpande, Advocate for Respondent No.1
Mr. A.B. Chate, AGP for Respondent Nos. 2 and 3

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 25th FEBRUARY, 2022

PER COURT:-

1. These are the applications for withdrawal of amount moved by the respective claimants.
2. Heard Mr. Vijay Patil, learned counsel for the respective claimants, Mr. Sanjeev Deshpande, learned counsel for respondent no.1 / acquiring body and Mr. A.B.Chate, P.M. Kulkarni, learned AGPs for respondent nos. 2 and 3 in respective applications.
3. It is revealed during the course of argument that in all the appeals the Special Land Acquisition Officers was pleased to determine the market value of the acquired lands at the rate of Rs.960 per R and the reference Court was pleased to enhance the same at the rate of Rs. 4,915/- per R.

4. Mr. Vijay Patil, learned counsel for the applicants / original claimants seeks withdrawal of entire amount of compensation deposited by the acquiring body.

5. Mr. Sanjeev Deshpande, learned counsel for respondent no.1 / acquiring body and learned AGPs appearing for respondent nos. 2 and 3 in respective applications opposed to allow these applications. Mr. Deshpande, learned counsel for the acquiring body submitted that the appeals filed mainly on the ground that claimants have restricted their claim to Rs.2,500/- per R and the reference Court was pleased to award the compensation at the rate of Rs.4,915/- per R.

6. At this stage, I am not supposed to touch the merits of appeals. It is the practice followed by this Court to allow the original claimants to withdraw 75% amount of the compensation deposited by the acquiring body, 50% on furnishing usual undertaking and 25% on furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court. By taking same view, it is necessary to allow these applications. Hence, 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.1, 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) In civil application nos. 2388 of 2022, 2389 of 2022, 2392 of 2022, 2394 of 2022 and 2742 of 2022, the Registry to make payment to the respective claimants / applicants according to their names appeared on Aadhaar Card.

(iv) The civil applications are disposed of accordingly.

[SHRIKANT D. KULKARNI]
JUDGE