

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

918 CIVIL APPLICATION NO.3628 OF 2022
IN FAST/16917/2014

VENKATRAO GOVINDRAO JADHAV (DIED) THR LRS. LALITABAI
VENKATRAO JADHAV AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH DIST. COLLECTOR,
OSMANABAD AND OTHERS

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Advocate for Applicants : Mr. Pravin B. Rakhunde.

AGP for Respondent/State: Mr. S. N. Morampalle.

Advocate for Respondent No.3: Mrs. Sunita Shelke, h/f Mr. G. B. Rajale.

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

DATE : 07th April, 2022.

P.C.:

. Mr. Rakhunde, learned counsel for applicants/claimants is present.

2 Mrs. Sunita Shelke, learned counsel submits that she is not appearing on behalf of respondent No.3/acquiring body. Her name has been wrongly shown in the cause list. Mr. G. B. Rajale, learned counsel is appearing on behalf of respondent No.3.

3 Hence, Registry is directed to remove the name of Mrs. Sunita Shelke, learned counsel who is shown appearing for respondent No.3 and the name of Mr. G. B. Rajale, learned counsel be shown as appearing on behalf of respondent No.3.

4 It is an application for withdrawal of compensation amount deposited by the acquiring body.

5 Heard Mr. Rakhunde, learned counsel for applicants, Mrs.Shelke, holding for Mr. Rajale, learned counsel for respondent No.3 and Mr. Morampalle, learned AGP for respondent Nos.1 and 2.

6 The learned counsel for applicants/claimants submitted that house property of the claimants came to be acquired for construction of Turori Medium Project. He seeks leave to place on record copy of orders passed earlier by this Court regarding withdrawal of compensation. Leave granted. The copy of orders passed earlier by this Court in Civil Application No.11882 of 2016 dated 3rd March, 2017 and Civil Application No.2840 of 2022 dated 3rd March, 2022, are taken on record and marked as 'X' collectively for identification.

7 It is pointed out by Mr. Rakhunde, learned counsel for applicant that this Court was pleased to allow withdrawal of 100% amount of compensation with accrued interest by considering the fact that the house property of the claimants came to be acquired.

8 The learned counsel for acquiring body and the learned AGP for the State fairly conceded the position of passing of earlier orders by

this Court in above referred matters thereby allowing the original claimants to withdraw 100% of the amount of compensation in respect of house property. I do not see any reason to take any different view. By taking the same view, I proceed to pass the following order.

ORDER

- I. The application for withdrawal of compensation amount is hereby allowed as under:
- II. The applicants/claimants are hereby permitted to withdraw 100% of the amount of compensation with accrued interest thereon deposited by the acquiring body/respondent No.3 on furnishing usual undertaking to the extent of 50% of the amount of compensation and on furnishing solvent surety/security to the extent of remaining 50% of the compensation amount to the satisfaction of the Registrar (Judicial) of this Court.
- III. After furnishing such undertaking and solvent surety/security with the Registrar (Judicial) of this Court, the Registry to make payment to the applicants/claimants.
- IV. The application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]