

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

48 CIVIL APPLICATION NO.4538 OF 2022

IN FA/2487/2021

WITH CA/4539/2022 IN FA/2489/2021

BHAUSAHEB RAGHUNATH GHOLVE AND OTHERS

VERSUS

THE EXE. ENGINEER, BEED IRRIGATION DIV., BEED AND OTHERS

...

Advocate for Applicants : Mr. Abhijeet V. Thombre.

Advocate for Respondent No.1: Mr. M. C. Swami.

AGP for Respondent/State: Mr. S. P. Deshmukh.

...

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

DATE : 28th March, 2022.

PER COURT:

. These are the applications moved by the respective applicants/claimants for withdrawal of compensation amount.

2 Heard Mr. A. V. Thombre, learned counsel for original claimants, Mr. M. C. Swami, learned counsel for respondent No.1/acquiring body and Mr. S. P. Deshmukh, learned AGP for respondent Nos.2 and 3.

3 Mr. Swami, learned counsel for respondent No.1/acquiring body strongly opposed to allow these applications. He contended that the Reference Court has awarded exorbitant compensation. The interest of the appellant/acquiring body needs to be protected.

4 On the other hand, Mr. A. V. Thombre, learned counsel for claimants submitted that the claimants may be allowed to withdraw 100% of the amount of compensation deposited by the acquiring body since the claimants have been deprived of their income source.

5 I have considered the submissions of both the sides. Perused the impugned judgment and award passed in LAR No.23 of 2014 and LAR No.193 of 2016 by the Reference Court. It is a practice followed by this Court to allow the original claimants arising out of land acquisition matters to withdraw 75% of the amount of compensation with accrued interest thereon. I do not see any reason to take any different view. By following the same view, I proceed to pass the following order:

ORDER

- I. Both the applications seeking withdrawal of compensation amount moved by the respective claimants are hereby allowed.
- II. The respective applicants/claimants are hereby permitted to withdraw 50% of the amount of compensation with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

- III. The respective applicants/claimants are further permitted to withdraw 25% of the amount of compensation with accrued interest thereon on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- IV. Remaining 25% of the compensation amount with accrued interest thereon shall be invested in fixed deposit account in any Nationalized Bank for a period of one year with renewal clause.
- V. Both the applications are accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

nga