

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

935 CIVIL APPLICATION NO.5176 OF 2022
IN FAST/27712/2021

SYED AZIZUDDIN S/O SYED KHUTUBUDDIN AND ANOTHER
VERSUS
SUPER AGRICULTURAL PRODUCE MARKET COMMITTEE, JADHAVWADI THR
ITS SECRETARY AND ANR

Mr Anand P. Bhandari, Advocate for applicants
Mr M.S. Karad, Advocate h/f Mr S.S. Thombre, Advocate for respondent no.1
Mr S.N. Morampalle, A.G.P. for respondent no.2

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 6.4.2022

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the applicants/original claimants.
2. Heard Mr Anand P. Bhandari, learned Advocate for applicants, Mr M.S. Karad holding for Mr S.S.Thombre, learned Advocate for respondent no.1 and Mr S.N. Morampalle, learned A.G.P. for respondent no.2.
3. This Court was pleased to grant stay to the operation and execution of the impugned judgment and passed by the reference Court on condition to deposit 75% of the amount under the award within twelve weeks from the date of order. That time schedule came to be extended by another eight weeks vide order dated 7.1.2022. It is stated across the Bar that the appellant has deposited 75% amount of compensation and complied with that conditional interim order. The claimants are seeking withdrawal of that amount of compensation.
4. Mr M.S. Karad holding for Mr S.S. Thombre, learned Advocate for respondent no.1/acquiring body and Mr S.N. Morampalle, learned A.G.P. for respondent no.2/State opposed to allow the application for withdrawal of amount.

5. It is the practice followed by this Court to allow the claimants to withdraw of 75% amount of compensation with accrued interest thereon arising out of compulsory land acquisition matters. In the present case, the acquiring body has deposited 75% amount of compensation in this Court. The interest of the appellant/ acquiring body has been already protected by retaining 25% amount of compensation. The land came to be acquired for establishment of A.P.M.C. at Aurangabad. Having considered the factual scenario, I am convinced to allow this application.

ORDER

- (i) The Civil Application is hereby allowed in terms of prayer clause (B).
- (ii) The applicants/claimants are permitted to withdraw 50% amount of compensation on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (iii) The applicants/claimants are further permitted to withdraw 25% amount of compensation on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court.
- (iv) The Civil Application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)