

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

920 CIVIL APPLICATION NO.5801 OF 2022
IN FA/1158/2021

CHANDRASHEKHAR S/O SUNDARRAO KULKARNI
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
AURANGABAD AND ORS

Mr P.M. Janapurkar, Advocate for applicants
Mr S.P. Deshmukh, A.G.P. for respondents no.1 and 3
Mr A.D. Gadekar, Advocate for respondent no.2

- AND -

921 CIVIL APPLICATION NO.5802 OF 2022
IN FA/1161/2021

ASHOK SUNDARRAO KULKARNI
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
AURANGABAD AND ORS

Mr P.M. Janapurkar, Advocate for applicants
Mr N.T. Bhagat, A.G.P. for respondents no.1 and 3
Mr A.D. Gadekar, Advocate for respondent no.2

- AND -

922 CIVIL APPLICATION NO.5803 OF 2022
IN FA/1159/2021

MURLIDHAR KISAN RAHANE
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
AURANGABAD AND ORS

Mr P.M. Janapurkar, Advocate for applicants
Mr A.B. Chate, A.G.P. for respondents no.1 and 3
Mr A.D. Gadekar, Advocate for respondent no.2

- AND -

923 CIVIL APPLICATION NO.5804 OF 2022
IN FA/1162/2021

SAHEBRAO KACHARU JADHAV
VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
AURANGABAD AND ORS

Mr P.M. Janapurkar, Advocate for applicants
Mr S.N. Morampalle, A.G.P. for respondents no.1 and 3
Mr A.D. Gadekar, Advocate for respondent no.2

924 CIVIL APPLICATION NO.5819 OF 2022
IN FA/1514/2021

SHRIMANT KISAN DIGHOLE
VERSUS
THE STATE OF MAHARASHTRA THR COLLECTOR, AURANGABAD AND
ORS

Mr P.M. Janapurkar, Advocate for applicants
Mr S.N. Morampalle, A.G.P. for respondents no.1 and 3
Mr A.D. Gadekar, Advocate for respondent no.2

- AND -

925 CIVIL APPLICATION NO.5820 OF 2022
IN FA/1512/2021

CHAINSING SANDU JONWAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
AURANGABAD AND ORS

Mr P.M. Janapurkar, Advocate for applicants
Mr S.P.Deshmukh, A.G.P. for respondents no.1 and 2
Mrs Chaitali R. Choudhary Kutti, Advocate for respondent no.3

AND

926 CIVIL APPLICATION NO.5821 OF 2022
IN FA/1513/2021

PREMSING DALSING KAWADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
AURANGABAD AND ORS

Mr P.M. Janapurkar, Advocate for applicants
Mr N.T. Bhagat, A.G.P. for respondents no.1 and 2
Mrs Chaitali R. Choudhary Kutti, Advocate for respondent no.3

- AND -

927 CIVIL APPLICATION NO.5822 OF 2022
IN FA/1515/2021

SANTOSH NARAYAN GHUGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
AURANGABAD AND OTHERS

Mr P.M. Janapurkar, Advocate for applicants
Mr A.B. Chate, A.G.P. for respondents no.1 and 3
Mrs Chaitali R. Choudhary Kutti, Advocate for respondent no.2

AND

928 CIVIL APPLICATION NO.5823 OF 2022
IN FA/1511/2021

KARBHARI SANDU JONWAL
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR,
AURANGABAD AND ORS

Mr P.M. Janapurkar, Advocate for applicants
Mr S.N. Morampalle, A.G.P. for respondents no.1 and 2
Mrs Chaitali R. Choudhary Kutti, Advocate for respondent no.3

- AND -

929 CIVIL APPLICATION NO.6052 OF 2022
IN FA/2196/2021

CHHABU RANGNATH GORE (DIED) THR LRS RAGHUNATH S/O
CHHABU GORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND ORS

Mr P.M. Janapurkar, Advocate for applicants
Mr P.M. Kulkarni, A.G.P. for respondents no.1 and 3
Mr G.N. Patil, Advocate for respondent no.2

- AND -

930 CIVIL APPLICATION NO.6053 OF 2022
IN FA/2199/2021

RAGHUNATH CHABU GORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND ORS

Mr P.M. Janapurkar, Advocate for applicants
Mr S.P. Deshmukh, A.G.P. for respondents no.1 and 3
Mr G.N. Patil, Advocate for respondent no.2

-AND-

931 CIVIL APPLICATION NO.6054 OF 2022
IN
FA/2197/2021

GORAKH TUKARAM GORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND ORS

Mr P.M. Janapurkar, Advocate for applicants
Mr N.T. Bhagat, A.G.P. for respondents no.1 and 3
Mr G.N. Patil, Advocate for respondent no.2

- AND-

932 CIVIL APPLICATION NO.6055 OF 2022
IN FA/2200/2021

LAXMAN VISHWANATH GORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND ORS

Mr P.M. Janapurkar, Advocate for applicants
Mr A.B.Chate, A.G.P. for respondents no.1 and 3
Mr G.N. Patil, Advocate for respondent no.2

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 19th April, 2022

PER COURT :

1. These are the applications for withdrawal of amount of compensation moved by the respective applicants/original claimants.
2. Heard Mr P.N. Janapurkar, learned Advocate for applicants/original claimants, Mr A.D. Gadekar, Mrs Chaitali R. Choudhari Kutti and Mr G.N. Patil, learned Advocates for respondent body and learned A.G.P.s appearing for respondent/State in respective applications.

3. Perused the impugned judgment and award passed in respective L.A.R. proceedings. Learned Advocates learned for respondent/acquiring body opposed to allow these applications in order to protect the interest of the acquiring body, whereas Mr Janapurkar, learned Advocate for applicants/ original claimants submitted that the claimants may be permitted to withdraw the amount of compensation.

4. It is the practice followed by this Court to allow the claimants to withdraw 75% of the amount of compensation with accrued interest thereon arising out of compulsory land acquisition cases. 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 Civil Applications are hereby allowed.
- (ii) The applicants/original claimants are permitted to withdraw 50% of the amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.
- (iii) They are further permitted to withdraw 25% of the amount of compensation on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- (iv) The Civil Applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)