

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

CIVIL APPLICATION NO.5058 OF 2022 IN FA/19015/2020

SANJAY ARUN GAIKWAD
VERSUS
THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT
DIVISION, OSMANABAD AND OTHERS

WITH

CIVIL APPLICATION NO.5059 OF 2022 IN FA/19273/2020

ALKA W/O ARUN GAIKWAD
VERSUS
THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT
DIVISION, OSMANABAD AND OTHERS

WITH

CIVIL APPLICATION NO.5060 OF 2022 IN FA/19266/2020

ARUN SHAMRAO GAIKWAD
VERSUS
THE EXECUTIVE ENGINEER, OSMANABAD MEDIUM PROJECT
DIVISION, OSMANABAD AND OTHERS

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Mr. S.N. Patne, Advocate for the Applicants
Ms. Sunita Shelke, Advocate for Respondent no.1
Mr. P.M. Kulkarni, AGP for Respondent Nos.2 and 3

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 04th APRIL, 2022

PER COURT:-

1. These are the applications moved by the original claimants seeking permission to withdraw the compensation amount deposited by the appellant / acquiring body.

2. Heard Mr. S.N. Patne, learned counsel for the applicants, Ms. Sunita Shelke, learned counsel for respondent no. 1 / acquiring body and Mr. Kulkarni, learned AGP for respondent nos. 2 and 3 / State.

3. It is revealed during the course of argument that the appellant / acquiring body has deposited 70% amount of compensation under the impugned awards in this Court. The claimants intend to withdraw the entire 70% amount of the compensation.

4. Ms. Shelke, learned counsel for the acquiring body and Mr. Kulkarni, learned AGP for respondent nos. 2 and 3 / State strongly opposed to allow these applications.

5. 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 in the matters arising out of compulsory land acquisition. In the present case, the appellant / acquiring body has deposited 70% amount of the compensation under the impugned awards. Certainly, the applicants / claimants are entitled to get the entire amount of compensation since 30% amount of the compensation is yet to be deposited.

ORDER

- (i) The applications are hereby allowed as under:
- (a) The applicants / claimants are hereby permitted to withdraw 50% of the amount with accrued interest thereon subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- (b) The applicants / claimants are further permitted to withdraw 20% of the amount with accrued interest thereon subject to furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) The civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P Rane