

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

914 CIVIL APPLICATION NO.6636 OF 2022
IN FAST/26098/2019

DILIP VENKATRAO MORE

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, OSMANABAD AND ANOTHER

...

Advocate for Applicant : Mr S.A. Wakure
AGP for Respondent/State : Mr S.N. Morampalle

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 28th APRIL, 2022

PER COURT :

1. It is an application for withdrawal of compensation amount moved by the applicant/original claimant.
2. Heard Mr S.A. Wakure, learned counsel for the applicant/original claimant and Mr S.N. Morampalle, learned AGP for the State.
3. It is revealed during the course of argument that the State/acquiring body has deposited entire decretal amount under the impugned award in this Court.
4. Mr S.N. Morampalle, learned AGP for the State strongly opposed to allow this application. In second breath, he submits that at the most, the applicant/claimant may be allowed to withdraw 50% of the amount of compensation. He submitted that the Special Land Acquisition Officer was pleased to award compensation @ Rs.300/- per R and the Reference Court was pleased to enhance the compensation at Rs. 20/- per sq.ft. I do not find any

merit in the objection raised by the learned AGP. It is revealed that 6 R land came to be acquired by the State for diversion of road which is passing nearby Osmanabad City. It is the usual practice followed by this Court to allow the claimant to withdraw 75% of the amount of compensation with interest.

5. I do not see any reason to take any different view. By taking the same view, I proceed to pass the following order :-

ORDER

- (A) The application is hereby allowed as under :-
- (i) The applicant/claimant is permitted to withdraw 50% of the amount of compensation with accrued interest thereon on furnishing usual undertaking to the Registrar (Judicial) this Court.
 - (ii) The applicant/claimant is 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.
 - (iii) Remaining 25% of the balance amount of compensation with interest shall be invested in FDA in any nationalized bank for a period of one year initially with renewal clause.
 - (iv) The civil application is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

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