

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

919 CIVIL APPLICATION NO.6113 OF 2022 IN FA/2175/2020

**BALU SAHEBRAO BANKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND OTHERS**

....

Mr. P.M. Janapurkar, Advocate for the Applicant
Mr. S.P. Deshmukh, A.G.P. for Respondent Nos. 1 and 2
Mr. S.G. Bhalerao, Advocate for Respondent No. 3

....

AND

920 CIVIL APPLICATION NO.6114 OF 2022 IN FA/2193/2020

**KHANDU PUJABA GAWALI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND OTHERS**

....

Mr. P.M. Janapurkar, Advocate for the Applicant
Mr. A.B. Chate, A.G.P. for Respondent Nos. 1 and 2
Mr. S.G. Bhalerao, Advocate for Respondent No. 3

....

AND

921 CIVIL APPLICATION NO.6115 OF 2022 IN FA/2173/2020

**KARBHARI KISAN BANKAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND OTHERS**

....

Mr. P.M. Janapurkar, Advocate for the Applicant
Mr. P.M. Kulkarni, A.G.P. for Respondent Nos. 1 and 2
Mr. S.G. Bhalerao, Advocate for Respondent No. 3

....

AND

922 CIVIL APPLICATION NO.6116 OF 2022 IN FA/2156/2020

PARIGABAI KACHRU SONAWANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND OTHERS

....

Mr. P.M. Janapurkar, Advocate for the Applicant
Mr. N.T. Bhagat, A.G.P for Respondent Nos. 1 and 2
Mr. S.G. Bhalerao, Advocate for Respondent No. 3

....

AND

923 CIVIL APPLICATION NO.6117 OF 2022 IN FA/2155/2020

LAXMAN VISHVANATH SONAWANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND OTHERS

....

Mr. P.M. Janapurkar, Advocate for the Applicant
Mr. S.N. Morampalle, A.G.P for Respondent Nos. 1 and 2
Mr. S.G. Bhalerao, Advocate for Respondent No. 3

....

AND

924 CIVIL APPLICATION NO.6118 OF 2022 IN FA/2154/2020

KRUSHNA NAMDEV GAWALI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND OTHERS

....

Mr. P.M. Janapurkar, Advocate for the Applicant
Mr. S.P. Deshmukh, A.G.P for Respondent Nos. 1 and 2
Mr. S.G. Bhalerao, Advocate for Respondent No. 3

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AND

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925 CIVIL APPLICATION NO.6119 OF 2022 IN FA/2151/2020
BABURAO PUNJARAM GAWALI (DIED) THROUGH LRS RAMESH
BABURAO GAWALI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND OTHERS

....

Mr. P.M. Janapurkar, Advocate for the Applicant
Mr. S.N. Morampalle, A.G.P for Respondent Nos. 1 and 2
Mr. S.G. Bhalerao, Advocate for Respondent No. 3

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AND

926 CIVIL APPLICATION NO.6120 OF 2022 IN FA/2184/2020
RANGNATH TRIMBAK DOLAS (DIED) THROUGH LRS.
KRUSHNA RANGNATH DOLAS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND OTHERS

....

Mr. P.M. Janapurkar, Advocate for the Applicant
Mr. P.M. Kulkarni, A.G.P for Respondent Nos. 1 and 2
Mr. S.G. Bhalerao, Advocate for Respondent No. 3

....

AND

927 CIVIL APPLICATION NO.6121 OF 2022 IN FA/2158/2020
ASHOK MAHADU SONWANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND OTHERS

....

Mr. P.M. Janapurkar, Advocate for the Applicant
Mr. N.T. Bhagat, A.G.P for Respondent Nos. 1 and 2
Mr. S.G. Bhalerao, Advocate for Respondent No. 3

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AND

928 CIVIL APPLICATION NO.6122 OF 2022 IN FA/2178/2020

MAHADU ASHRUBA SONAWANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND OTHERS

....

Mr. P.M. Janapurkar, Advocate for the Applicant
Mr. S.N. Morampalle, A.G.P. for Respondent Nos. 1 and 2
Mr. S.G. Bhalerao, Advocate for Respondent No. 3

....

AND

929 CIVIL APPLICATION NO.6123 OF 2022 IN FA/2152/2020

BALASAHEB PUNJABA GAWALI
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
AURANGABAD AND OTHERS

....

Mr. P.M. Janapurkar, Advocate for the Applicant
Mr. S.P. Deshmukh, A.G.P. for Respondent Nos. 1 and 2
Mr. S.G. Bhalerao, Advocate for Respondent No. 3

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 21st APRIL, 2022

PER COURT:-

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

2. Heard Mr. Janapurkar, learned counsel for the applicants / claimants, Mr. Deshmukh, Mr. Chate, Mr. Kulkarni, Mr. Morampalle Mr. Bhagat, learned AGPs. for respondent Nos. 1 and 2 and Mr. S.G. Bhalerao, learned counsel for respondent No.3 in respective applications.

3. Mr. Janapurkar, learned counsel for the applicants / claimants submits that it is a case of compulsory land acquisition. The claimants are in need of money since they have lost their bread and butter due to acquisition of land. He, therefore, urged to allow the claimants to withdraw the entire amount of compensation.

4. Mr. S.G. Bhalerao learned counsel for respondent No.3 / acquiring body strongly opposed to allow these applications. He pointed out that the Special Land Acquisition Officer was pleased to award the compensation at the rate of Rs.1080/- per R and the reference Court was pleased to enhance the same at the rate of Rs.6188/- per. He pointed out that the reference Court has also awarded the interest under Section 28 of the Land Acquisition Act, 1894 from the date of notification under section 4, which is found contrary to the full bench judgment of this Court

in case of *The State of Maharashtra Vs. Kailash Shiva Rangari, 2016 (4) ALL MR 513*. He, therefore, urged that the applications for withdrawal of amount may be rejected.

5. Mr. Deshmukh, Mr. Chate, Mr. Kulkarni, Mr. Morampalle Mr. Bhagat, learned AGPs. for respondent Nos. 1 and 2 also argued on same lines and opposed to allow the applications.

6. I have considered the submissions of learned counsel for the respective sides and the learned AGPs for respondent nos. 1 and 2 / State. It is the practice followed by this Court to allow the original claimants to withdraw 75% amount of the compensation arising out of compulsory land acquisition cases, except the exceptional circumstances. In these cases, I do not see any reason to take different view. Moreover, it appears that the Special Land Acquisition Officer was pleased to award the compensation at the rate of Rs.1080/- per R and the reference Court was pleased to enhance the same at the rate of Rs. 6188/- per R, which appears to be not so exorbitant, *prima facie*. Therefore, I am convinced to allow these applications.

7. It is pointed out by Mr. Bhalerao, learned counsel for the acquiring body that the amount of compensation has been

deposited with the reference Court in view of the execution proceedings initiated by the claimants and now the amount is lying with the reference Court.

ORDER

(i) The applications for withdrawal of amount moved by the respective applicants / claimants 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 Reference Court.

(b) The applicants / claimants are further permitted to withdraw 25% of the amount with accrued interest thereon subject to furnishing solvent surety / security to the satisfaction of the reference Court.

(c) Remaining 25% of the amount of compensation with accrued interest thereon shall be invested in the fixed deposit with any nationalized Bank initially for a period of one year with clause of renewal.

(iii) The civil applications are accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane