

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

CIVIL APPLICATION NO.6581 OF 2022 IN FAST/30091/2019

**SAMBHAJI NARSINGH KADAM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

WITH

CIVIL APPLICATION NO.6582 OF 2022 IN FAST/29959/2019

**NAGA @ NANA @ DYANOBA RAMJI PATIL (DIED) THROUGH
L.RS. VATSALA DYANOBA @ NANA PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr. P.C. Mayure, Advocate for the Applicants
Mr. S.N. Morampalle, AGP for Respondents / State

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 27th APRIL, 2022

PER COURT:-

1. It is an application for withdrawal of compensation amount moved by the applicants / claimants.
2. Heard Mr. P.C. Mayure, learned counsel for the applicants / claimants and Mr. Morampalle, learned AGP for respondent Nos. 1 and 2 / State.

3. Mr. Morampalle, learned AGP for respondent Nos. 1 and 2 / State opposed to allow these applications for withdrawal of amount in order to protect the interest of the State. On the other hand, Mr. Mayure, learned counsel for the applicants / claimants submits that it is a case of compulsory land acquisition and the claimants have been deprived from source of income and they may be permitted to withdraw the entire amount of compensation.

4. Having regard to the submissions of both the sides and looking to the facts of the case in hand, I am convinced to allow the applicants to withdraw 75% of the amount of compensation deposited by the State with accrued interest thereon.

ORDER

(i) The applications are hereby allowed.

(ii) The applicants / claimants are hereby permitted to withdraw 50% of the amount of compensation with accrued interest thereon subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

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

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(iv) 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.

(v) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane