

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

944 CIVIL APPLICATION NO.6202 OF 2022
IN FAST/1766/2022

PARSHURAM DHARMA PATIL AND ORS

VERSUS

THE STATE OF MAHARASHTRA THROUGH
THE COLLECTOR, JALGAON AND ORS

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Advocate for Applicants : Mr A.B. Kale
AGP for Respondent/State : Mr A.B. Chate
Advocate for Respondent No. 3 : Mr R.A. Tambe

WITH CA/6204/2022 IN FAST/1878/2022
WITH CA/6203/2022 IN FAST/1929/2022
WITH CA/6206/2022 IN FAST/1869/2022
WITH CA/6205/2022 IN FAST/1899/2022
WITH CA/6207/2022 IN FAST/1917/2022
WITH CA/6209/2022 IN FAST/1903/2022
WITH CA/6208/2022 IN FAST/1863/2022
WITH CA/1864/2022 IN FAST/1917/2022
WITH CA/1866/2022 IN FAST/1903/2022
WITH CA/1883/2022 IN FAST/1766/2022
WITH CA/1876/2022 IN FAST/1869/2022
WITH CA/1881/2022 IN FAST/1766/2022
WITH CA/1873/2022 IN FAST/1878/2022
WITH CA/1871/2022 IN FAST/1878/2022
WITH CA/1863/2022 IN FAST/1863/2022
WITH CA/1862/2022 IN FAST/1863/2022
WITH CA/1867/2022 IN FAST/1903/2022
WITH CA/1865/2022 IN FAST/1917/2022
WITH CA/1869/2022 IN FAST/1899/2022
WITH CA/1877/2022 IN FAST/1869/2022
WITH CA/1868/2022 IN FAST/1899/2022
WITH CA/1880/2022 IN FAST/1929/2022
WITH CA/1878/2022 IN FAST/1929/2022

CORAM : SHRIKANT D. KULKARNI, J.
DATE : 22nd APRIL, 2022

PER COURT :

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

2. Heard Mr A.B. Kale, learned counsel for the original claimants, Mr R.A. Tambe, learned counsel for the acquiring body and Mr A.B. Chate, learned AGP for the State.

3. It is revealed during the course of argument that while granting interim stay, this Court was pleased to direct the acquiring body to deposit 60% of the amount of compensation with accrued interest thereon in this Court. However, the acquiring body has deposited 20% of the amount of compensation with the executing Court. Remaining 40% balance amount is yet to be deposited.

4. Mr Tambe, learned counsel for the acquiring body submits that he is taking the steps to that effect.

5. The question is about withdrawal of 20% of the amount of compensation lying with the executing Court.

6. It is pointed out by Mr Kale, learned counsel for the claimants that though there is specific order passed by this Court directing to the acquiring body that amount shall be deposited in this Court, the acquiring body has deposited the amount in the Reference Court/executing Court. Certainly, this act of acquiring body is highly objectionable. Henceforth, the acquiring body shall deposit amount of compensation in this Court as per the orders.

7. Under these circumstances, it is necessary to issue directions to the Reference Court/executing Court in this regard.

ORDER

(i) The applicants/claimants arising out of respective LAR proceedings shall file their applications for withdrawal of compensation before the Reference Court/executing Court.

- (ii) The Reference Court/executing Court shall decide those applications after giving an opportunity of hearing to both the sides.
- (iii) The Reference Court/executing Court shall not reject the application of withdrawal of compensation only because appeal is subjudice before this Court.
- (iv) The Reference Court/executing Court may take into consideration the orders of withdrawal of compensation passed by this Court in various matters as a guiding factor.
- (v) Returnable date is hereby extended by six weeks.
- (vi) Interim order of stay passed earlier by this Court to continue till then.
- (vii) In view of the above, the civil applications are accordingly disposed of.
- (viii) Stand over to 01.07.2022.

(SHRIKANT D. KULKARNI, J.)

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