

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

**CIVIL APPLICATION NO.10231 OF 2022
IN FIRST APPEAL NO. 1553 OF 2021**

**ANAND RAMDAS PATIL (KALOJI)
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, LATUR AND ANOTHER**

**WITH
CIVIL APPLICATION NO.10232 OF 2022
IN FIRST APPEAL NO. 1552 OF 2021**

**PHULABAI GANESH PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, LATUR AND ANOTHER**

**WITH
CIVIL APPLICATION NO.10236 OF 2022
IN FIRST APPEAL NO. 1560 OF 2021**

**NAGNATH SANGRAM KALOJI
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, LATUR AND ANOTHER**

**WITH
CIVIL APPLICATION NO.10239 OF 2022
IN FIRST APPEAL NO. 1549 OF 2021**

**VIKAS RAM HENGANE U/G OF HIS MOTHER
SUMAN W/O RAM HENGANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, LATUR AND ANOTHER**

**WITH
CIVIL APPLICATION NO.10242 OF 2022
IN FIRST APPEAL NO. 1558 OF 2021**

**ANIL SANGRAM KALOJI
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, LATUR AND ANOTHER**

WITH
CIVIL APPLICATION NO.10233 OF 2022
IN FIRST APPEAL NO. 1554 OF 2021

SANGRAM HANMANTRAO KALOJI (PATIL)
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, LATUR AND ANOTHER

WITH
CIVIL APPLICATION NO.10235 OF 2022
IN FIRST APPEAL NO. 1548 OF 2021

MANMATH VALJINATH KALOJI
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, LATUR AND ANOTHER

WITH
CIVIL APPLICATION NO.10241 OF 2022
IN FIRST APPEAL NO. 1555 OF 2021

PARMANAND S/O GANESH PATIL
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, LATUR AND ANOTHER

WITH
CIVIL APPLICATION NO.10234 OF 2022
IN FIRST APPEAL NO. 1564 OF 2021

SOMNATH RAMDAS PATIL (KALOJI)
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, LATUR AND ANOTHER

WITH
CIVIL APPLICATION NO.10237 OF 2022
IN FIRST APPEAL NO. 1547 OF 2021

AKASH RAM HENGANE U/G OF HIS MOTHER
SUMAN RAM HENGANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, LATUR AND ANOTHER

WITH

**CIVIL APPLICATION NO.10238 OF 2022
IN FIRST APPEAL NO. 1562 OF 2021**

**DHANRAJ RAM HENGANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, LATUR AND ANOTHER**

**WITH
CIVIL APPLICATION NO.10240 OF 2022
IN FIRST APPEAL NO. 1559 OF 2021**

**SOMNATH VAJJANATH KALOJI
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, LATUR AND ANOTHER**

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Mr. Laxmikant Patil, Advocate for the applicants.
Mr. A.A. Jagatkar, A.G.P. for respondent – State.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 05.08.2022.

ORDER:-

1. The applicants in all these applications are seeking withdrawal of amounts which are deposited by the Acquiring Body in it's respective appeals. The learned Counsel for the applicants placed reliance on the order dated 29 August 2017 passed by the earlier Bench of this Court in other similar matters, whereby the entire amount deposited by the Acquiring Body was allowed to be withdrawn. 75% of the amount was to be withdrawn on furnishing undertaking and the remaining 25% of the amount was to be withdrawn on furnishing solvent surety. The learned Counsel for the

applicants prayed for passing the similar order.

2. However, the learned Counsel for respondent No.2 - Acquiring Body strongly opposed the applications on the ground that the Reference Court has granted exorbitant compensation and that too from the date of Notification and not from the date of award. He further submits that at least 25% of the amounts so deposited by the Acquiring Body needs to be kept with this Court.

3. Heard. Though the earlier Bench of this Court has allowed the applicants similarly placed with these applicants to withdraw the entire amount deposited by the Acquiring Body, but in view of the submissions made by learned Counsel for the respondent No. 2 - Acquiring Body, I am of the opinion that certain amount needs to be retained with the Court, disposal of which would be subject to final decision in the appeals. Hence, I pass following order

ORDER

- (i) All the applicants in their respective applications are permitted withdraw 50% of the deposited amount in their respective claims, on furnishing usual undertaking with Registrar (Judicial) of this Court.

- (ii) The applicants are also permitted to withdraw further 25% of the deposited amount on furnishing solvent security / surety to the satisfaction of Registrar (Judicial) of this Court.
- (iii) The remaining 25% amount be invested in the name of the respective applicants in fixed deposit in any Nationalized Bank for initial period of one year which is to be renewed thereafter periodically, until further orders.
- (iv) The Civil Applications are accordingly disposed of.

(SANDIPKUKAR C. MORE, J.)