

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

909 CIVIL APPLICATION NO.13638 OF 2021
IN FAST/32449/2018

BALAJI VITTHAL MENDHEKAR
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD AND
ORS

AND
CIVIL APPLICATION NO.13636 OF 2021
IN FAST 32471/2018

SHAHANUR AMBIR BHETEKAR
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD AND
ORS

AND
CIVIL APPLICATION NO.13640 OF 2021
IN FAST NO.32467/2018

ASHIF KHAJA SHAIKH (MINOR) U/G OF GRANDMOTHER MANNANBEE S.
BHETEKAR
VERSUS
VERSUS
THE STATE OF MAHARASHTRA THR THE COLLECTOR, OSMANABAD AND
ORS

Mr M.R. Malpani, Advocate h/f Mr A.B. Kale, Advocate for applicants
Mr A.B. Chate, A.G.P. for respondents no.1 and 2
Mrs Kalpalata Patil - Bharaswadkar, Advocate for respondent no.3/acquiring
body.

CORAM : SHRIKANT D. KULKARNI, J.

DATE : 1st March, 2022

PER COURT :

1. These are the applications for withdrawal of amount moved by the original claimants.
2. Heard Mr M.R. Malpani holding for Mr A.B. Kale, learned Advocate for applicants/claimants, Mr A.B. Chate, learned A.G.P. for respondents no.1 and 2 and Mrs Kalpalata Patil - Bharaswadkar, learned Advocate for respondent no.3/acquiring body.

3. Mr Malpani, learned Advocate for applicants pointed out that the S.L.A.O. was pleased to award compensation for the acquired land @ Rs.1140/- per R and the reference Court was pleased to enhance the same to Rs.3300/- per R. He submitted that compensation awarded by the reference Court is within four times and urged to allow the claimants to withdraw 100% amount.

4. Mr Chate, learned A.G.P. for respondents no.1 and 2 and Mrs Kalpalata Patil - Bharaswadkar learned Advocate for respondent no.3 strongly opposed to allow the applications. Both of them submitted that there are strong grounds in the appeals and they are hoping success in the appeals. Both of them submitted that the applications may be rejected.

5. It is the practice of this Court to allow the original claimants to withdraw 75% of the amount in deposit and out of it, 50% on usual undertaking and 25% on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court. It is the case of compulsory acquisition and by taking same recourse, the applicants need to be permitted to withdraw 75% of the amount in deposit.

ORDER

(i) The applicants/claimants are permitted to withdraw 75% of the amount of compensation and out of it 50% amount is permitted to be withdrawn on furnishing usual undertaking to the satisfaction of Registrar (Judicial) of this Court and remaining 25% on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this Court.

(ii) After furnishing such undertaking and solvent surety/security, the Registry to make payment to the respective claimants as per procedure.

- (iii) The Civil Applications are accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

VVr