

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

920 CIVIL APPLICATION NO.8255 OF 2023
IN FA/395/2022

BABRUWAN SOPAN KOLI (DIED) THR LRS NANDA BABURWAN
KOLI AND ORS
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIVISION, OSMANABAD
AND ANR

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Advocate for Applicants : Mr. Naiknavare Ramesh Vitthal
AGP for Respondent 2: Ms. P.V. Diggimar
Advocate for Respondent 1 : Mr. M.C. Swami

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: July 07, 2023

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PER COURT :-

1. By this application, the applicants/original claimants are seeking permission to withdraw the amount deposited by the respondent/appellant.

2. Mr. Naiknavare, learned counsel appearing for the applicants submits that land of the applicants was acquired in file No.1995/LNQ/CR-46 for the purpose of construction of minor irrigation tank, Ganjewadi, Savargaon, Tq. Tuljapur. He would submit that since the applicants were aggrieved by the assessment of the compensation, Land Acquisition Reference was filed. Other similarly situated land holders had also filed the LARs. References filed by other land holders are decided on 14.8.2013 in the group of reference petitions in LAR no.597 of 2001. He would submit that award passed in those matters are satisfied by the respondents, though, similar rate was granted. He would submit that the award passed in their favour is challenged in this appeal. In that view of

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the matter, he submits that the entire amount as deposited by the respondent may be permitted to be withdrawn.

3. Learned counsel for the respondents opposed the application for withdrawal of the amount. Learned advocate appearing for the respondents do not dispute that other awards from the same acquisition are not subjected to appeal.

4. Considering the aforesaid aspects, the application deserves to be allowed. The applicants are permitted to withdraw the amount deposited by the respondent alongwith accrued interest thereon, subject to furnishing of usual undertaking before the Registrar (Judicial) of this Court.

5. Civil application stands disposed off.

(S. G. CHAPALGAONKAR, J.)

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