

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.6147 OF 2023
IN FIRST APPEAL NO.773 OF 2022**

RAMA TUKARAM TATE ... Applicant

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR LATUR AND ORS. ... Respondents

...

WITH

**CIVIL APPLICATION NO.6146 OF 2023
IN FIRST APPEAL NO.774 OF 2022**

SHANTABAI DATTU TATE ... Applicant

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR LATUR AND ORS. ... Respondents

...

WITH

**CIVIL APPLICATION NO.6148 OF 2023
IN FIRST APPEAL NO.772 OF 2022**

NARAYAN NAGA TATE AND ANR. ... Applicants

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE
COLLECTOR LATUR AND ORS. ... Respondents

...

Advocate for Applicant/s : Mrs. G. K. Sontakke and P. G. Sontakke
AGP for Respondents/State: Mr. A. B. Chate
Advocate for Respondent No.3: Mr. R. C. Patil

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 11.07.2023

PER COURT :

1. Heard the learned Advocate appearing for the respective parties.
2. It is submitted on behalf of the applicant/s that the land of the applicants is acquired for Katpur Minor Irrigation Tank, Village Sikandarpur, Taluka and District Latur. The Reference Court has passed the award, thereby granting enhanced compensation. The acquiring body is before this Court in first appeal.
3. It appears from the reasoning adopted by the Reference Court that the assessment of compensation is based on the sale deeds. That being so, there is no impediment in permitting the applicants to withdraw amount deposited by the acquiring body.
4. It is submitted that only 50% of the amount of award is deposited by acquiring body in this appeal. In that view of the matter, applicants are permitted to withdraw entire amount deposited in this Court subject to usual undertaking to be furnished to the satisfaction of the Registrar [Judicial] of this Court.

6. Accordingly, Civil Applications are disposed of.

[S. G. CHAPALGAONKAR, J.]

Sameer