

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.6672 OF 2023
IN
FIRST APPEAL NO. 1781 OF 2010

Rajkumar Laxman Mitkare

...Applicant

Versus

The State of Maharashtra Through
The Collector Latur and Another

...Respondents

AND
CIVIL APPLICATION NO. 6681 OF 2023
IN
FIRST APPEAL NO. 1782 OF 2010
AND
CIVIL APPLICATION NO. 6670 OF 2023
IN
FIRST APPEAL NO. 1770 OF 2010
AND
CIVIL APPLICATION NO. 6671 OF 2023
IN
FIRST APPEAL NO. 1776 OF 2010
AND
CIVIL APPLICATION NO. 6657 OF 2023
IN
FIRST APPEAL NO. 191 OF 2011
AND
CIVIL APPLICATION NO. 6658 OF 2023
IN
FIRST APPEAL NO. 1768 OF 2010
AND
CIVIL APPLICATION NO. 6659 OF 2023
IN
FIRST APPEAL NO. 1767 OF 2010
AND
CIVIL APPLICATION NO. 6666 OF 2023
IN
FIRST APPEAL NO. 1771 OF 2010
AND
CIVIL APPLICATION NO. 6667 OF 2023

IN
FIRST APPEAL NO. 1769 OF 2010
AND
CIVIL APPLICATION NO. 6668 OF 2023
IN
FIRST APPEAL NO. 1778 OF 2010
AND
CIVIL APPLICATION NO. 6669 OF 2023
IN
FIRST APPEAL NO. 1772 OF 2010
AND
CIVIL APPLICATION NO. 6660 OF 2023
IN
FIRST APPEAL NO. 1766 OF 2010
AND
CIVIL APPLICATION NO. 6665 OF 2023
IN
FIRST APPEAL NO. 1779 OF 2010
AND
CIVIL APPLICATION NO. 6661 OF 2023
IN
FIRST APPEAL NO. 1774 OF 2010
AND
CIVIL APPLICATION NO. 6673 OF 2023
IN
FIRST APPEAL NO. 190 OF 2011
AND
CIVIL APPLICATION NO. 6656 OF 2023
IN
FIRST APPEAL NO. 189 OF 2011
AND
CIVIL APPLICATION NO. 6655 OF 2023
IN
FIRST APPEAL NO. 187 OF 2011
AND
CIVIL APPLICATION NO. 6653 OF 2023
IN
FIRST APPEAL NO. 188 OF 2023
AND
CIVIL APPLICATION NO. 6662 OF 2023
IN
FIRST APPEAL NO. 1773 OF 2010
AND

CIVIL APPLICATION NO. 6663 OF 2023
IN
FIRST APPEAL NO. 1777 OF 2010
AND
CIVIL APPLICATION NO. 6664 OF 2023
IN
FIRST APPEAL NO. 1775 OF 2010
AND
CIVIL APPLICATION NO. 6676 OF 2023
IN
FIRST APPEAL NO. 194 OF 2011
AND
CIVIL APPLICATION NO. 6678 OF 2023
IN
FIRST APPEAL NO. 1783 OF 2010
AND
CIVIL APPLICATION NO. 6680 OF 2023
IN
FIRST APPEAL NO. 193 OF 2011
AND
CIVIL APPLICATION NO. 6684 OF 2023
IN
FIRST APPEAL NO. 1780 OF 2010

Mr. Sachin S. Deshmukh h/f Mr. V.S. Kande, Advocate for the applicants.

Mr. S.N. Kendre, AGP for State.

Mr. S.G. Sangle, Advocate for respondent No. 2.

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 15th SEPTEMBER, 2023

ORDER :

1. These applications are filed by original claimants for modification of the condition imposed by this Court, thereby permitting the claimants to withdraw 50% of the compensation amount on furnishing bank guarantee of any

nationalised/scheduled bank in the like amount and further permitting unconditional withdrawal of balance 50% amount.

2. It is the contention of the claimants that the land is acquired way back in the year 1996. Almost 27 years are passed since then and only source of livelihood of the claimants is taken away. Claimants are not in a position to furnish bank guarantee of nationalised or scheduled bank. Therefore, they seek modification of the said condition.

3. Having heard the learned advocate for the claimants, learned Assistant Government Pleader for State and learned advocate for respondent No. 2, this Court is inclined to allow the applications in view of the order passed by Hon'ble Supreme Court in similar circumstances, in Civil Appeal No. 10562/2013. The appellant in the said matter, according to the claimants are from same acquisition proceeding. In the said matter, Hon'ble Supreme Court permitted the claimant therein to withdraw 50% of the amount by furnishing security to the satisfaction of the Collector.

4. Since, in the present matters, the amount is deposited in this Court, the condition is therefore modified to the

effect that, claimants are entitled to withdraw 50% amount on furnishing security and undertaking to the satisfaction of Registrar (Judicial) of this Court.

5. Civil applications are disposed of.

[NITIN B. SURYAWANSHI, J.]