

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

79 WRIT PETITION NO.10900 OF 2021

MUNSHAD SULTAN MANIYAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. V C Patil
AGP for Respondents : Mr. A R Kale

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CORAM : NITIN W. SAMBRE & S. G. CHAPALGAONKAR, JJ.

Dated: March 20, 2023

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PER COURT :-

1. Heard learned respective counsel for the parties.
2. The case of the petitioners is that land Survey No.135/3 at village Thodga, Tq. Ahmedpur, Dist Latur was owned by father of the petitioners namely Rafiyoddin. Said land was acquired by respondent no.4 for irrigation purpose and award came to be passed on 29th October, 1997.
3. In view of pendency of interse dispute between the parties claiming ownership/right over the said property being Regular Civil Suit No.325 of 1994 on the file of Civil Judge Senior Division, Ahmedpur, it appears that respondent authorities have not released the amount of compensation in view of the objection raised before it.

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4. We are informed that not only the suit was dismissed but also the appeal preferred by the co-owners, who were plaintiffs to the said suit, also came to be dismissed.

5. In this background, it is claimed that directions need to be issued to the respondents to release the amount of compensation with accrued interest.

6. In response to the query, the learned A.G.P. appearing for respondents submits that, in case, if the petitioners appears before the Respondent No.4 with an indemnity bond, the petitioners prayer for release of the amount of compensation with accrued interest can be dealt with favourably; provided petitioners complied with the reasonable conditions as shall be imposed by the Special Land Acquisition Officer.

7. In view of above, we direct the petitioners to appear before respondent No.4 on 6th April, 2023 with directions to respondent no.4 to decide the claim for release of the compensation with accrued interest expeditiously, and in any case, within a period of eight (8) weeks from the date of appearance before it. Petition stands disposed off.

(S. G. CHAPALGAONKAR, J.)

(NITIN W. SAMBRE, J.)

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