

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

**CIVIL APPLICATION NO.9623 OF 2023
IN FA/833/2022 WITH CA/6150/2022 IN FA/833/2022**

**DEEPAK PANDHARINATH CHAVAN (DIED) THR LRS
SUREKHA AND ANR
VERSUS
EX. ENGINEER, NANDUR MADHMESHWAR CANAL DIV.
VAIJAPUR UNDER GMIDC, AURANGABAD AND ANR**

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Mr. S. S. Londhe, Advocate for the Applicants.

Mr. A. B. Chate, AGP for Respondents-State.

Mr. B. R. Surwase, Advocate for Respondent No.1.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 04th AUGUST, 2023.

PER COURT:-

1. By the application, the applicants seek withdrawal of the amount deposited by the Acquiring Body in pursuance of the award passed by the Reference Court.

2. The learned Advocate appearing for the applicants submits that the applicants have lost their agricultural lands. The meager compensation was granted. The Reference Court after considering the material on record, enhanced compensation amount. There are no good grounds for appeal. Hence, seek withdrawal of the entire amount.

3. Mr. Surwase, learned Advocate appearing for the respondents points out that in the appeals arising out of same acquisition, this Court has permitted withdrawal of 50% of the

compensation amount after considering the submissions on merits.

4. In that view of the matter, same course needs to be adopted. Hence, the following order:-

ORDER

- a. Civil Application is allowed.
- b. The applicants are permitted to withdraw 50% of the amount deposited by the Acquiring Body subject to furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- c. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE