

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

**CIVIL APPLICATION NO.3522 OF 2023
IN FA/1948/2020**

**JITENDRA DNYANOBA DAWKARE
VERSUS
THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD AND OTHERS**

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Mr. V. S. Tanwade, Advocate for the Applicant.

Mrs. P. V. Diggikar, AGP for Respondents-State.

Mr. Mahesh C. Swami, Advocate for Respondent No.1.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 04th AUGUST, 2023.

PER COURT:-

1. By this application, the applicant seeks withdrawal of the amount deposited by the Acquiring Body in First Appeal No.1948/2020.

2. Mr. Tanwade, learned Advocate appearing for the applicant submits that Land Acquisition Reference was moved by five applicants. The original applicant no.3-Bhagirathi Dnyanoba Dawkare and applicant no.5-Anil Dnyanoba Dawkare expired during pendency of the Reference. Therefore, only three applicants are sharing the compensation under the Award of the Reference Court. The present applicant would be entitled to receive 1/3rd share of the compensation amount.

3. Mr. Tanwade, learned Advocate would further submit that as per the direction of this Court the Acquiring Body has

deposited the compensation amount. In the connected appeals arising out of same acquisition the applicants are permitted to withdraw 70% compensation amount on condition. He would further submit that same course may be followed in his case and he may be permitted to withdraw 1/3rd share out of 70% amount.

4. Mr. Swami, learned Advocate appearing for the Acquiring Body do not dispute that this Court has permitted withdrawal of 70% amount to the applicants from the connected claim petitions arising out of same acquisition. Reliance is placed on the order dated 09.01.2019 passed in Civil Application No.461/2019 in First Appeal No.3118/2013.

5. In view of the aforesaid submissions, case is made out to grant relief as under:-

ORDER

- a. Civil Application is allowed.
- b. The applicant is permitted to withdraw 1/3rd of the 70% amount of compensation deposited by the Acquiring Body.
- c. Rest of the amount be invested in Fixed Deposit with Nationalized Bank initially for a period of one year with renewal clause.
- d. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE