

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

914 CIVIL APPLICATION NO.15542 OF 2022
IN FA/1279/2021

**RADHABAI ONKAR CHAVAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SPECIAL LAND
ACQUISITION OFFICER AURANGABAD AND ANOTHER**

Advocate for Applicants : Mr. Pahune Patil Nandkishor J.
AGP for Respondents – State : Mr. B. V. Virdhe.

**CORAM : SANDIPKUMAR C. MORE, J.
DATE : 06.01.2023**

PER COURT :

Heard rival submissions. The applicants are seeking withdrawal of entire compensation amount of Rs. 3,57,57,654/- along with the accrued interest thereon till date.

2. Under order dtd. 8.12.2022, this Court had observed that the learned counsel for the applicants pointed out that after the decision of Reference Court these applicants -claimants filed proceedings wherein the compensation taken place between the present appellants and the claimants in the Reference Court itself and that too in the National Lok Adalat dtd.13.07.2019. At the relevant time, the appellant / Acquiring Body had also agreed for payment of entire compensation amount, but no such amount was deposited. The present applicants, therefore, had to take out various proceedings i.e. Writ Petition and Contempt Petition or compelling the Acquiring

Body to deposit the entire amount of compensation. Even thereafter the Acquiring Body did not deposit the compensation amount, but finally deposited the amount at the time of filing this appeal. The maintainability of this appeal is, in question, since the Acquiring Body had, in fact, compromised the matter with the applicants in the Reference Court and that too, in the National Lok Adalat dtd.13.07.2019. A strict direction was given to the Acquiring Body under the order dtd.08.12.2021 that, in case, the necessary instructions are not received by the learned AGP, the present withdrawal application will be decided immediately.

3. Today, the learned AGP submits that he received the instructions from the appellant / Acquiring Body, but nothing is stated in the said instructions about withdrawing the appeal on the ground of maintainability or how the present appeal is maintainable.

4. Under such circumstances, the applicants cannot be kept away from getting the compensation amount as claimed by them. Hence the applicants are permitted to withdraw entire amount of compensation along with the accrued interest thereon till date.

5. Application is accordingly disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

.....

shp/-