

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

**CIVIL APPLICATION NO. 14687 OF 2023
IN FA/1960/2017**

Sanjay Manik Rajmane .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Mr. L. C. Patil, Advocate for the Applicant.
Mr. S. K. Shirse, AGP for Respondent Nos. 1 and 2.
Mr. A. M. Gaikwad, Advocate for Respondent No. 3.

**WITH
CIVIL APPLICATION NO. 14689 OF 2023
IN FA/1959/2017**

Manik Dhondiram Rajmane .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Mr. L. C. Patil, Advocate for the Applicant.
Mr. S. K. Shirse, AGP for Respondent Nos. 1 and 2.
Mr. A. M. Gaikwad, Advocate for Respondent No. 3.

**WITH
CIVIL APPLICATION NO. 14690 OF 2023
IN FA/1957/2017**

Sidhaling Khandu Rajmane and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Mr. L. C. Patil, Advocate for the Applicants.
Mr. S. K. Shirse, AGP for Respondent Nos. 1 and 2.
Mr. A. M. Gaikwad, Advocate for Respondent No. 3.

**WITH
CIVIL APPLICATION NO. 14691 OF 2023
IN FA/1956/2017**

Subhash Vankatrao Rajmane .. Applicant

Versus

The State of Maharashtra and others .. Respondents

Mr. L. C. Patil, Advocate for the Applicant.
Mr. S. K. Shirse, AGP for Respondent Nos. 1 and 2.
Mr. A. M. Gaikwad, Advocate for Respondent No. 3.

**WITH
CIVIL APPLICATION NO. 14693 OF 2023
IN FA/1958/2017**

Bhima @ Bhimrao Kondappa Rajmane
died through L.Rs.
Hirabai Bhima @ Bhimrao Rajmane and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Mr. L. C. Patil, Advocate for the Applicants.
Mr. S. K. Shirse, AGP for Respondent Nos. 1 and 2.
Mr. A. M. Gaikwad, Advocate for Respondent No. 3.

CORAM : KISHORE C. SANT, J.

DATED : 08th DECEMBER, 2023.

P. C. :-

. Heard.

2. These applications are filed seeking withdrawal of the amount of compensation deposited by the acquiring body – appellant in this

Court. The appellants in first appeal have challenged enhancement granted by the learned Reference Court.

3. It is submitted that, the learned S.L.A.O. had awarded compensation at the rate of Rs. 300 to Rs. 400/- per R for dry as well as seasonally irrigated land and the same is enhanced to Rs. 1770/- per R by treating the lands seasonally irrigated lands. The submission is made by the learned advocate for the applicants that, since the enhancement is within four times the claimants be permitted to withdraw 100% of the amount deposited in this Court.

4. Learned advocate Mr. Gaikwad for respondent No. 3 and learned A.G.P Mr. Shirse vehemently oppose the application. It is submitted that, the amount in all these applications is more than Rs. One Crore and such huge amount cannot be allowed to be withdrawn. In case, the appeals are allowed, it would be difficult for the acquiring body to recover the said amount.

5. This Court finds that, in the interest of justice, it would be proper to allow withdrawal of 50% of the amount on giving undertaking and 25% of the amount on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. Amount of 25% needs to be deposited in fixed deposit to be renewed periodically till

disposal of the first appeals. Hence, the following order :

6. The claimants/applicants are allowed to withdraw 50% of the amount along with accrued interest, if any, thereupon by furnishing undertaking to this Court. 25% of the amount along with accrued interest, if any, thereupon be allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. Remaining 25% of the amount be deposited in any nationalized bank in a fixed deposit to be renewed periodically till disposal of the first appeals.

7. With this, the civil applications stand disposed off.

(KISHORE C. SANT, J.)

PS.B.