



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

16 WRIT PETITION NO. 405 OF 2024

GOPINATH RAMCHNDRA PAWAR AND OTHERS

VERSUS

THE DISTRICT COLLECTOR BEED AND OTHERS

...
Shri A.S. Avtad, Advocate i/by Shri Kedar Shrimant R., Advocate
for the Petitioners.

Shri S.K. Tambe, AGP for Respondent Nos.1, 3 and 4/State.

Shri S.B. Patil, Advocate for Respondent No.2

...

CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 20th August, 2024

Per Court :-

1. Petitioner No.1 is 92 years of age. Petitioner Nos.2 and 3, are siblings, who are 48 and 52 years of age, respectively.

The award with regard to the land acquisition is dated 22.08.2022. The claim of the Petitioners under Section 28-A of the Land Acquisition Act, 1894, has been decided in the light of the award under Section 18 delivered in the cases of identically placed co-claimants.

2. The learned Advocate for the Acquiring Authority

and the learned AGP submit that First Appeal No.405/2021 is preferred by the Acquiring Body. By the order dated 28.03.2022, passed in Civil Application No.4370/2022, the learned Single Judge has permitted the claimants (u/s 18) to withdraw 25% of the enhanced compensation with accrued interest on furnishing usual undertaking with the Registrar (Judicial) of this Court. Further 25% amount along with accrued interest, was permitted to be withdrawn on furnishing a solvent surety to the satisfaction of the learned Registrar (Judicial). Remaining amount with interest, is directed to be invested in Fixed Deposit Receipt with a nationalized Bank for a period of one year with a renewal clause.

3. The learned Advocate representing Respondent No.2 submits that the compensation amount along with accrued interest would be deposited with Respondent No.4, within 45 days from today.

4. We record the said statement and it be noted that if the timeline is not complied with, the conduct of the concerned Respondent would be treated as disobedience of the order of this

Court.

5. After the amount is deposited, the Petitioners would also withdraw 25% amount with accrued interest on the same terms as granted by the learned Single Judge vide order dated 28.03.2022 (supra), by furnishing an affidavit undertaking before Respondent No.4. Further 25% amount along with accrued interest can be withdrawn by tendering a solvent surety before Respondent No.4. Rest of the amount along with accrued interest shall be invested by Respondent No.4 with a nationalized Bank in a Fixed Deposit Receipt, initially for a period of one year, with a renewal clause.

6. With the above directions, **this Writ Petition is disposed off.**

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)