



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

**34 CIVIL APPLICATION NO. 3240 OF 2024
IN FA/3340/2018**

**PRABHAVATI DADASAHEB MHETRE DIED THR. LRS
PRAFUL DADASAHEB MHETRE AND ORS
VERSUS**

**THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND ANR**

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Advocate for Applicant : Mr. Patil Laxmikant C.
AGP for Respondents/State : Mr. D.B. Bhange
Advocate for R/2 : Mr. M.C. Swami

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**CORAM : Y.G. KHOBRADE, J.
DATE : 26.03.2024**

PC.:-

1. Heard the learned counsel appearing for the respective parties.
2. By the present application the applicant/claimants intend to withdraw the entire amount of compensation with accrued interest on account of acquisition of their land. The learned counsel appearing for the non-applicant no.2-acquiring body strongly oppose the application on the ground that if the applicants are permitted to withdraw the entire amount of compensation and in case the amount of compensation is varied or modified in that event it will not be possible for the acquiring body to recover the said

amount, hence prayed for rejection of the application.

3. Needless to say that on 23.08.2013 the learned Reference Court passed the impugned judgment and award in LAR No.712/2002 and enhanced the compensation to the tune of Rs.96,000/- per acre for acquired land, so also, Rs.48,000/- per acre for pot kharab land. It is not in dispute that the land of the present applicants are being acquired by the respondent no.2-acquiring body. However, since they have not received the amount of compensation, therefore, considering the nature of claim it would be just and proper to permit the claimants to withdraw 75% of compensation amount with accrued interest in equal share. The remaining 25% amount shall be kept in FDR till decision of the appeal. The civil application is disposed of.

[Y.G. KHOBRADE, J.]