



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

41 CIVIL APPLICATION NO. 4971 OF 2024

IN FA/1579/2023

SATISH RUSHIKESH SHINDE

VERSUS

THE STATE OF MAHARASHTRA THR. THE COLLECTOR OSMANABAD AND ORS.

WITH

CIVIL APPLICATION NO. 4972 OF 2024

IN FA/1580/2023

PRATAP BHURAO SHINDE

VERSUS

THE STATE OF MAHARASHTRA THR. COLLECTOR OSMANABAD AND ORS.

WITH

CIVIL APPLICATION NO. 4973 OF 2024

IN FA/1578/2023

SANJAY BHURAO SHINDE

VERSUS

THE STATE OF MAHARASHTRA THR. COLLECTOR OSMANABAD AND ORS.

WITH

CIVIL APPLICATION NO. 4974 OF 2024

IN FA/1581/2023

VIJAY BHURAO SHINDE

VERSUS

THE STATE OF MAHARASHTRA THR. COLLECTOR OSMANABAD AND ORS.

Mr.Ajit B. Kale, Advocate for the applicants.

Mr.D.B. Bhange, AGP for the respondent/State.

Mr.Mukul Kulkarni, Advocate for respondent No.3.

CORAM : KISHORE C. SANT, J.

DATED : 19.06.2024

PC :-

01. These applications are filed for withdrawal of amount deposited by the appellant-acquiring body in this Court. The learned Advocate for the applicants has placed on record copy of order passed by this Court in Civil

Application No. 11167 of 2023 in First Appeal No.3576 of 2018 dated 19.04.2024. He submits that this order was passed in respect of land acquired under the same acquisition proceeding and for the same project, out of which the present appeals arise. Only difference is that the lands acquired are from different village. The learned Advocate Mr. Kale submits that though the amount is deposited, said amount is only 75% of the amount that should have been actually deposited in this Court along with accrued interest. The details of amount as per calculation of learned Advocate and the deposited amount are as under :-

Sr. No.	F.A. No.	Party Name	Amount as per calculation	Deposited amount
1	FA 1580/23	Pratap Vs. State	Rs.1,23,92,881/-	Rs.92,94,660/-
2	FA1578/23	Sanjay Vs. State	Rs.64,02,289/-	Rs.48,01,716/-
3.	FA 1581/23	Vijay Vs. State	Rs.56,68,890/-	Rs.42,51,667/-
4.	FA 1579/23	Satish Vs. State	Rs.1,43,01,162/-	Rs.1,07,25,871/-

. Thus, the learned Advocate Mr. Kale submits that the entire amount deposited in this Court be allowed to be withdrawn.

02. The learned Advocate for the respondent does not dispute about earlier order.

03. In the said order this Court has permitted the applicants to withdraw 75% of the amount deposited in this Court on furnishing undertaking. The learned Advocate for the applicants thus prays for similar order.

04. The learned Advocate for the appellant-acquiring body vehemently opposes the applications. He submits that the land involved in Civil Application No.11167 of 2023 was from different village. He further submits that the Reference Court while awarding rate of interest under section 28 of the Land Acquisition Act, has awarded rate of interest from the date of possession and not from the date of award. The lands were taken in possession in the year 1999; whereas the award was passed in May, 2006. He further submits that the SLAO had awarded rate of Rs.350/- to Rs. 450/- per R, whereas same is enhanced to Rs.6000/- per R by the Reference Court. Only observations are made that lands are situated abutting the road. Thus, he submits that the enhancement is exorbitant. He, thus, prays for rejection of the applications or at least imposition of strict conditions. He also submits that in the present applications, the amounts are huge amounts.

05. Considering the above submissions, this Court is passing following order :-

ORDER

(i) The applications are partly allowed.

(ii) The applicants are allowed to withdraw 75% of the deposited amount on usual undertaking to the effect that in-case the appeals are allowed, the applicants shall re-deposit the amount with interest within 12 weeks from the date of such order.

(iii) Remaining 25% of the deposited amount shall be invested in the fixed deposit of any nationalized bank to be renewed from time to time till disposal of the amount.

[KISHORE C. SANT, J.]