



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

**905 CIVIL APPLICATION NO. 10743 OF 2023
IN FA/4042/2023**

Sidaram Satappa Chaugule (died) Thr Lrs Mahadeo Sidram
Chaugule
VERSUS

The State Of Maharashtra Thr The Collector, Osmanabad And Ors
WITH
CIVIL APPLICATION NO. 10744 OF 2023
IN FA/4040/2023

TrimbakNamdeo Kokate (Died) Through LRS Gundu Trimbak
Kokate
VERSUS

The State Of Maharashtra Thr The Collector, Osmanabad And Ors
WITH
CIVIL APPLICATION NO. 10741 OF 2023
IN FA/4038/2023

Ambadas Namdeo Igave And Others
VERSUS

The State Of Maharashtra Thr The Collector, Osmanabad And Ors
WITH
CIVIL APPLICATION NO. 10742 OF 2023
IN FA/4039/2023

Babu Sidram Telikune
VERSUS

The State Of Maharashtra Thr The Collector, Osmanabad And Ors

WITH

**CIVIL APPLICATION NO. 10746 OF 2023
IN FA/4041/2023**

Udhava Bhimrao Mane (Died) Through LRS Shobha udhava
Mane

VERSUS

The State Of Maharashtra Thr The Collector, Osmanabad And Ors

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Advocate for Applicant : Mr. Kale Ajeet B.
AGP for Respondent Nos. 1 and 2: Mr. R.R. Tandale
Advocate for Respondent No.3 : Mr. R. A. Tambe

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**906 CIVIL APPLICATION NO. 15522 OF 2023
IN FA/2785/2021**

Waman Vithal Salunke (died) His Lrs Vattchalabai W. Salunke
....Applicant

VERSUS

The State Of Maharashtra, Through The Collector, Osmanabad
And Ors

.....Respondent

WITH

**CIVIL APPLICATION NO. 15521 OF 2023
IN FA/2784/2021**

Shankar Sidramappa Telikune

....Applicant

VERSUS

The State Of Maharashtra, Through The Collector, Osmanabad
And Ors

.....Respondent

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WITH
CIVIL APPLICATION NO. 15520 OF 2023
IN FA/2783/2021

Chaturbhuj Ramchandra Mane (Died) Through LRS Vinayak C
Mane

....Applicant

VERSUS

The State Of Maharashtra, Through The Collector, Osmanabad
And Ors

.....Respondent

WITH
CIVIL APPLICATION NO. 15519 OF 2023
IN FA/2781/2021

Dadarao Gopalrao Jadhav (Died) Through LRS Chandrakal M.
Jadhav

....Applicant

VERSUS

The State Of Maharashtra, Through The Collector, Osmanabad
And Ors

.....Respondent

Advocate for Applicant : Mr. Kale Ajeet B.

AGP for Respondent Nos. 1 and 2: Mr. A. S. Shinde

Advocate for Respondent No.3 :

Advocate for Respondents : Mr. Vinod Prakash Patil

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CORAM : S. G. MEHARE, J.

DATE : 02.02.2024

PER COURT :

1. Heard the learned counsel for the applicants and the learned counsel for the appellants/ Acquiring Body.
2. The applicants have prayed to withdraw the amount of compensation deposited. The learned counsel for the applicants submits that they have not received the compensation for their properties acquired. Their house properties were acquired. They are entitled to withdraw the money. This Court in similarly situated matter allowed the claimant to withdraw 75% of the amount with proportionate interest.
3. The learned counsels for the Acquiring Body has strongly opposed the application. They argued that the assessment of the compensation was based upon illegal and inadmissible valuation report. The interest has also been granted from the incorrect date. Therefore, allowing them to withdraw 75% amount as prayed would be inappropriate and unjust.

4. In reply the learned counsel for the applicant would submit that the applicants got compensation from Rs. 50,000/- to 1,90,000/-.

5. Considering the facts and circumstances of the case the acquisition of the houses of the applicants and the earlier view taken by this Court entitling the applicants to withdraw 75% of the amount, following order is passed.

ORDER

- (i) The Civil Applications are partly allowed.
- (ii) The applicants are permitted to withdraw 75% of the amount deposited with proportionate interest thereon on furnishing usual undertaking to the satisfaction of the learned Registrar (Judicial) of this Court that they will deposit the amount, if the impugned awards are reversed.
- (iii) The balance amount be deposited in the fixed deposit as per the rules.

(S. G. MEHARE, J)

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