



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

36 CIVIL APPLICATION NO. 11713 OF 2023 IN FA/794/2022

1. Rangnath s/o. Munjaba Jadhav,
2. Jagannath s/o. Munjaba Jadhav,
Both resident of Bahegavan,
Taluka Wadwani, District Beed .. Applicants

Versus

1. Union of India through General Manager
Central Railway, Mumbai
2. The Deputy Executive Engineer,
Nirman Construction, Central Railways, Pune
3. The Special Land Acquisition Officer,
G.P.No.2, Beed through the Collector, Beed .. Respondents

...
AND

57 CIVIL APPLICATION NO.188 OF 2024 IN FAST/7599/2022

1. Vitthal s/o. Shahurao Maske,
2. Kalyan s/o. Shahurao Maske,
Both resident of Bahegavan,
Taluka Wadwani, District Beed .. Applicants

Versus

1. Union of India through General Manager
Central Railway, Mumbai
2. The Deputy Executive Engineer,
Nirman Construction, Central Railways, Pune
3. The Special Land Acquisition Officer,
G.P.No.2, Beed through the Collector, Beed .. Respondents

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Mr. Suhas R. Shirsat, Advocate for Applicants;
Mr. S. S. Deshpande, Advocate for Respondents No.1 and 2
(through Video Conferencing);
Mr. A. S. Shinde, A.G.P. for Respondent No.3
...

CORAM : S. G. MEHARE, J.

DATE : 19-01-2024

PER COURT :-

1. Heard the learned counsel for the applicants, the learned counsel for respondents No.1 and 2, and the learned A.G.P. for respondent No.3.
2. The learned counsel for the applicants submits that in the appeals arising out of the same award, by the order dated 18.08.2023, the appellant/acquiring body has deposited the compensation amount with accrued interest thereon in this Court. The applicants/claimants have requested to withdraw the amount of compensation deposited by the appellant.
3. The learned counsel for the appellant/acquiring body has opposed the applications. He submits that the compensation amount is exorbitant. Hence, the applicants may not be allowed to withdraw the entire compensation amount.
4. In view of the view taken by this Court, the following order is passed;
 - i) Both applications are allowed.
 - ii) The applicants/claimants are permitted to withdraw the principal amount deposited by the appellant/acquiring body to the extent of their share with an undertaking that they will re-deposit the amount, if the impugned judgments and orders are reversed.

(S. G. MEHARE)
JUDGE