



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

**67 CIVIL APPLICATION NO. 8657 OF 2024
IN FA/1200/2023**

MANOHAR RANGNATH TODKAR DIED LRS KONDABAI RANGNATH
TODKAR AND ORS

VERSUS

THE STATE OF MAHARASHTRA AND ANR

**CIVIL APPLICATION NO. 8658 OF 2024
IN FA/1198/2023**

PANDURANG GANPATI KADAM AND ANR

VERSUS

THE STATE OF MAHARASHTRA THROUGH COLLECTOR LATUR AND ORS

**CIVIL APPLICATION NO. 8659 OF 2024
IN FA/1199/2023**

RAMCHANDRA RANGNATH TODKAR

VERSUS

THE STATE OF MAHARASHTRA AND ANR

**CIVIL APPLICATION NO. 8685 OF 2024
IN FA/1196/2023**

SHRIRAM PANDURANG DANGE

VERSUS

THE STATE OF MAHARASHTRA AND ANR

**CIVIL APPLICATION NO. 8687 OF 2024
IN FA/1197/2023**

NILKANTH LAXMAN HATTARGE

VERSUS

THE STATE OF MAHARASHTRA AND ANR

Mr.P.R.Katneshwarkar, Sr. Advocate i/b. Mr. S.S. Chillarge and Mr.
Shrikant Sonkawade, Advocate for the applicants.
Ms.R.R. Tandale, AGP for the respondent-State.

CORAM : KISHORE C. SANT, J.
DATE : 19.09.2024

PC :-

01. Heard learned Advocates for the parties. These civil applications are for withdrawal of amount. Learned Sr. Advocate Mr. Katneshwarkar submits that the learned SLAO had granted compensation @ Rs.1394/- per R. The Reference Court enhanced the amount @ Rs.125/- per sq. ft. In the present case the acquisition proceeding is of 2003. From the same village there was another acquisition proceeding started in the year 2006. In that case also the references were preferred by owners of respective lands. The Reference Court enhanced the amount and granted compensation @ Rs.220/- per sq. ft. The claimants, therefore, had approached this Court by filing first appeals bearing No. 1668 of 2014 and other connected appeals. This Court, considering the judgment and evidence granted compensation @ Rs.371/- per sq. ft. and partly allowed those appeals. He thus submits that even by deducting 10% hike per year the rate in the year 2003, would be much more than what is awarded by the Reference Court. He, thus, prays for withdrawal of 100% amount, deposited in this Court along with interest.

02. The learned AGP vehemently opposes the applications. She submits that when the SLAO had granted Rs.1394/- per R, same is

enhanced to Rs.1,25,220/- per R, which is much more than the award passed by the SLAO. She submits that in the Division Bench Judgment acquisition proceeding was of 2006. The lands are from same village but from different locations and therefore that judgment cannot be considered while considering present applications. She submits that total amount deposited is more than Rs. 19 Crores and if that much amount is disbursed, it would be difficult to recover, in case the appeals are allowed. She thus prays for rejection of the applications.

03. This Court considered the submissions. About facts, there is no dispute. Even taking that the acquisition proceeding is of 2003, this Court still can consider judgment of Division Bench in First Appeal No. 1668 of 2014 along with connected matters, wherein rate granted is Rs. 371/- per sq. ft. Considering the acquisition in the present case is of 2003 i.e. three years prior to the said acquisition proceeding, still rate granted by the Reference Court is less than 50% of what is granted in First Appeal No. 1668 of 2014.

04. Comparing the rates, this Court finds that no prejudice would be caused to the appellant even if the amount is permitted to be withdrawn with certain conditions taking care of interest of the

State/Acquiring Body. Hence, following order :-

ORDER

- (i) The applications are allowed.
- (ii) The applicants are permitted to withdraw 50% of the deposited amount along with accrued interest on furnishing usual undertaking.
- (iii) Further 25% of the amount along with accrued interest is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the of the learned Registrar (Judicial) of this Court.
- (iv) Remaining 25% of the amount along with accrued interest is permitted to be withdrawn on furnishing bank guarantee to be kept alive till disposal of the appeals.
- (v) The civil applications are accordingly disposed off.

[KISHORE C. SANT, J.]