



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1033 CIVIL APPLICATION NO. 8643 OF 2024
IN FAST/3258/2023

Shriram So Vaman Jogdand

VERSUS

The Executive Officer, Lift Irrigation Division Osmanabad And
Ors

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Advocate for Applicant : Mr. Gangakhedkar Shailendra S

Advocate for Respondents : Mr. M. C. Swami For R/1

Mr. A.V. Lavte AGP for respondent State.

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 16, 2024

PER COURT :-

1. Heard learned advocates appearing for the respective parties.
2. By way of this application, original claimant is seeking withdrawal of amount of compensation deposited in pursuance of the award passed by the Reference Court.
3. Mr. Gangakhedkar, learned advocate appearing for the applicant submits that Reference Court relied upon the previous award in LAR No.671, 310, 672, of 2014 and connected matters fixed rate for compensation amount. Said award have attained the finality. He would submit that therefore, the challenge so far as quantum of compensation towards land in question is concerned would be sufficed.

4. Mr. Gangakhedkar, would submit that even excluding the compensation towards pipe lines and fruit bearing trees, the applicant would be entitled to receive the compensation more than 75% of the award.

5. Mr. Swami, learned advocate appearing for the appellant acquiring body do not dispute the aforesaid position as reflected in paragraph no.27 of the judgment.

6. Considering the submissions advanced and the fact that claimants have lost their agricultural land and consequential income, it would be appropriate to permit them to withdraw 75% of the compensation amount subject to certain conditions keeping in view interest of the acquiring body. Hence, following order.

O R D E R

- i. Civil application is partly allowed.
- ii. The applicants are permitted to withdraw 75% of the total compensation amount deposited by the acquiring body.
- iii. 50% of the compensation amount be disbursed to the claimants on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- iv. In addition to the aforesaid amount, claimants would be entitled to withdraw 25% of the compensation amount deposited with the Registry of this Court on furnishing solvent surety to the satisfaction of the Registrar (J) of this Court.

- v. Civil application stands disposed off.

(S. G. CHAPALGAONKAR, J.)

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