



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

927 CIVIL APPLICATION NO. 8188 OF 2024
IN FA/3286/2023
WITH
CIVIL APPLICATION NO. 8190 OF 2024
IN FA/3283/2023
WITH
CIVIL APPLICATION NO. 8194 OF 2024
IN FA/3285/2023
WITH
CIVIL APPLICATION NO. 8196 OF 2024
IN FA/3289/2023
WITH
CIVIL APPLICATION NO. 8192 OF 2024
IN FA/3287/2023
WITH
CIVIL APPLICATION NO. 8193 OF 2024
IN FA/3284/2023
WITH
CIVIL APPLICATION NO. 8191 OF 2024
IN FA/3288/2023

SULOCHANA GOVINDRAO SAWANT
VERSUS
THE STATE OF MAHARASHTRA THROUGH DISTRICT
COLLECTOR, LATUR AND ORS

...
Advocate for Applicant : Mr. P.R. Katneshwarkar h/f Mr. Patil
Shashikiran N.
AGP for Respondents/State : Mr. P.D. Patil
Advocate for Respondent No.3 : Mr.S. G. Arora and Mr. B.V.
Virdhe
...

AND

928 CIVIL APPLICATION NO. 8228 OF 2024
IN FA/3294/2023

WITH
CIVIL APPLICATION NO. 8229 OF 2024
IN FA/3292/2023

WITH
CIVIL APPLICATION NO. 8232 OF 2024
IN FA/3293/2023

WITH
CIVIL APPLICATION NO. 8231 OF 2024
IN FA/3290/2023

WITH
CIVIL APPLICATION NO. 8230 OF 2024
IN FA/3291/2023

RAM TIMMA PAWAR DIED THROUGH LRS BHIMABAI RAM
PAWAR AND OTHERS
VERSUS
STATE OF MAHARASHTRA THROUGH THE DIST COLLECTOR
LATUR AND ORS

...
Advocate for Applicant : Mr. P.R. Katneshwarkar h/f Mr. Patil
Shashikiran N.

AGP for Respondents/State : Mr. V.S.Badakh
Advocate for Respondent No. 3 : Mr. Shyam C. Arora

...

CORAM : KISHORE C. SANT, J.

DATE : 04.10.2024.

PER COURT :

1. Heard the parties.
2. These applications are filed for withdrawal of the

amount of compensation deposited by the appellant Acquiring Body in this Court.

3. Learned Senior Advocate for the claimants relied upon the order passed by the Division Bench of this Court in Civil Application No. 7582 of 2024 in First Appeal (ST) No. 26023 of 2023.

4. The Division Bench of this Court by way of order dated 30.08.2024 allowed the petitioners to withdraw 50% of the amount under the impugned judgment and award on furnishing usual undertakings and further amount to the satisfaction of the Registrar, (Judicial) of this Court.

5. The application is vehemently opposed by the learned Advocate Mr. Arora, for respondents. He submits that the enhancement is granted without pleadings as regards the pipe line etc. and there is no sufficient proof to show that the said pipeline is laid in the land of the applicants. He further shown distinguished facts in the First Appeal No. 26033 of 2023 and in the present appeal.

6. Looking to the facts that the lands are irrigated and those are acquired in the year 2014. The rate granted by the SLAO is Rs. 17506/- per R i.e. Rs. 17,50,610/-.

7. In view of above, this Court finds that to meet the ends of justice applications need to be allowed, hence following order :

ORDER

(i) The Civil Applications stand allowed and disposed off.

(ii) The applicants are permitted to withdraw deposited amount to the extent of 50% along with accrued interest on furnishing usual undertaking respectively.

(iii) Further 25% of the deposited amount is permitted to be withdrawn on furnishing solvent surety/security each to the satisfaction of the Registrar, (Judicial) of this Court.

(iv) Remaining amount be kept in Fixed Deposits in any nationalized bank to be renewed from time to time till final disposal of

the main appeals.

(KISHORE C. SANT)
JUDGE

mahajansb/