



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 6679 OF 2020
IN FAST/23618/2015

MALIKARJUN MADHAV DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND ANR
WITH
CIVIL APPLICATION NO. 6676 OF 2020
IN FAST/23602/2015

MOHAN RAMRAO GHONSE
VERSUS
THE STATE OF MAHARASHTRA AND ANR
WITH
CIVIL APPLICATION NO. 6681 OF 2020
IN FAST/23630/2015

DIGAMBAR BHOJRAJ CHAVAN AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANR
WITH
CIVIL APPLICATION NO. 11652 OF 2021
IN FAST/23472/2015

ASHOK MUKINDRAO SHINDE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, LATUR
AND ANOTHER
WITH
CIVIL APPLICATION NO. 11651 OF 2021
IN FAST/23621/2015

DINKAR NARSINGRAO PHATTEPURE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, LATUR
AND ANOTHER

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Mr. P. V. Gole h/for Mr. V. D. Gunale, Advocate for Applicant
Mr. S. V. Hange, AGP for the Respondents, State.

CORAM : Y. G. KHOBRAGADE, J.
DATE : 7th May, 2024

ORDER:

1. By the present applications, the applicants/ original claimants prayed for permission to withdraw the entire amount of compensation with accrued interest deposited by the non- applicant No.2 Acquiring body with Registry of this Court.

2. Lands of the applicants/claimants were acquired by Respondent No.2 for the purpose of Haladwadhona Storage Tank at Haladwadhona, Tq. Jalkot Dist. Latur. By Judgment and Award dated 13.04.2012 passed in LAR Nos. 293 of 2010 to 301 of 2010, the learned Reference Court enhanced the compensation @ Rs.1150 per R i. e. equivalent to Rs.46,000/- per Acre. The said judgment and award is challenged by the Acquiring Body in the above First Appeals. On 14th September, 2015, this Court passed an order in Civil Application No. 10785 of 2015 with connected matters and granted interim stay to the judgment and award on condition of depositing the decreetal amount under the award by Acquiring Body within eight weeks. The office note reflects about the deposit of the decreetal amount by the Executive Engineer, Minor Irrigation Division Latur/ Acquiring Body in group of matters through Advocate Shri D. B. Pawar, the learned counsel for the Aurignacian Body.

3. Therefore, for the reasons described in the applications, the applicants are permitted to withdraw 75% amount of their share out of the deposited amount with certain conditions. Hence, the following order:

ORDER

- (i) The applicants are permitted to withdraw the compensation to the extent of 50% out of the deposited amount with accrued interest, on furnishing undertaking and further 25% amount with accrued interest on furnishing solvent surety to the satisfaction of the Registrar (Judicial) of this Court.
- (iii) Civil applications are accordingly disposed off.

(Y. G. KHOBRAGADE, J.)

JPChavan