



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

11 CIVIL APPLICATION NO. 13026 OF 2024
IN FIRST APPEAL (ST) NO. 14599 OF 2023

BHASKARRAO S/O PANDITRAO KATARE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR
PABRBHANI AND OTHERS

...

Mr. Ramchandra J. Nirmal – Advocate for Applicants
Mr. Vinayak P. Narwade – Advocate for Respondent No.1
Ms. R.R. Tandale – AGP for Respondent Nos.2 and 3, State

....

AND

12 CIVIL APPLICATION NO. 13029 OF 2024
IN FIRST APPEAL (ST) NO. 14638 OF 2023

TUKARAM S/O BABURAO KATARE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR
PABRBHANI AND OTHERS

...

Mr. Ramchandra J. Nirmal – Advocate for Applicants
Mr. R.K. Ingole – AGP for Respondent Nos.1 and 3, State
Mr. Vinayak P. Narwade – Advocate for Respondent No.2

....

AND

14 CIVIL APPLICATION NO. 13031 OF 2024
IN FIRST APPEAL (ST) NO. 14653 OF 2023

ASARAM S/O PANDITRAO KATARE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH DISTRICT COLLECTOR
PARBHANI AND OTHERS

...

Mr. Ramchandra J. Nirmal – Advocate for Applicants
Mr. Vinayak P. Narwade – Advocate for Respondent No.1

Mr. K.B. Jadhavar – AGP for Respondent Nos.2 and 3, State

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CORAM : KISHORE C. SANT, J.

DATE : 18th DECEMBER, 2024

PER COURT :

1. These applications are filed for withdrawal of the compensation amount deposited in Reference Court, Parbhani. It is contended that, the S.L.A.O. has granted rate of Rs.1150/- per Are which is enhanced to Rs.8000/- by the learned Reference Court. Considering that the land is irrigated land, the lands of the respondents in other references were taken to be dry land as awarded rate of Rs.4,000/- in those cases. The appellants have not preferred any appeal and thus they have accepted the said rate. In the present case, since the land is taken to be irrigated, the Court has rightly enhanced the compensation therefore, they pray for withdrawal of the amount.

2. Learned Counsel for respondent/acquiring body submits that, from the record it appears that there is no sufficient material to show that the land in the present case is irrigated land. From the crop pattern it is seen that, it can be said at the most seasonally irrigated land as the crop be taken like Cotton, Chana and Wheat. He thus opposes the applications.

3. Considering the above, following order :

ORDER

(a) The amount deposited in this Court be remitted to the learned Reference Court along with interest accrued thereon. After that, the applicants are permitted to withdraw 50% of the amount along with accrued interest on furnishing usual undertaking. The remaining 25% of the amount is allowed to be withdrawn on furnishing solvent surety/security to the satisfaction of learned Reference Court, Parbhani.

(b) The applications stand disposed of.

[KISHORE C. SANT, J.]