



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR**

**Writ Petition (WP) No. 2090 of 2019**

Smt. Suman Ghanshyamji Maske and others

**Versus**

Shri Tejrao S/o Pandurang Kawle and others

---

Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

---

Shri S.D.Khati, Advocate and Shri P.K.Dhomne, Advocate for  
the petitioners.

Shri N.S.Bhattad, Advocate for the respondent nos. 1 to 3.

**CORAM : ANIL S. KILOR, J.**

**DATED : 23<sup>rd</sup> JANUARY, 2024.**

Heard.

2. The common Order Below Exhibits 1, 11 and 16 dated 27<sup>th</sup> February, 2019 passed by 14<sup>th</sup> Joint Civil Judge, Senior Division, Nagpur in C.M.A No. 647 of 2018, rejecting all the applications moved for withdrawal of amount of compensation, is under challenge in this writ petition.

3. The application Exhibit 1 was moved by the claimants No. 1 to 3, second application Exhibit 11 was moved by the claimant nos. 6 to 8 and third application Exhibit 16 was moved by the claimant nos. 4,5,9 and 10 for granting permission to withdraw the compensation amount of Rs.64,75,350/- along with interest accrued

thereon and deposited in LAC No. 422 of 2017 under Section 18 of Land Acquisition Act, 1894.

4. There is a dispute about the apportionment of the shares between the parties. The legal heirs/claimants nos. 1 to 3 of the original claimant are claiming one-fourth share each along with father and they are also claiming one-tenth share in the original claimant, Pandurang's share.

5. In view of such dispute, the applications came to be rejected. However, the learned Reference Court made an error in not allowing to withdraw the undisputed amount i.e. one-tenth share in the one-fourth share of Pandurang to all the applicants. This can be allowed in view of the reference filed under Section 30 of the Land Acquisition Act, 1894 by the respondent nos. 1 to 3.

6. In the circumstances, I am of the opinion that to said extent, the impugned common order needs to be modified. Accordingly, I pass the following order.

- i. The writ petition is partly allowed.
- ii. The petitioners and respondents are permitted to withdraw one-tenth share in the one-fourth share of the original claimant Pandurang subject to final decision in the reference under Section 30 of the Land

Acquisition Act. The said amount shall be permitted to withdraw along with interest if any accrued thereon.

iii. The learned trial Court is directed to expedite the reference under Section 30 of the Land Acquisition Act, 1894 expeditiously.

**[ANIL S. KILOR, J.]**