



2. The interim application filed by the original Petitioners / Applicants sought permission from the Court to withdraw an amount of Rs.1,70,62,539/- collectively by the Applicants Nos.1 to 7, to the extent specifically set out in the prayer clause of the application.

3. On consideration of the application on merits, and on hearing the learned Counsel for the Applicants as well as the Counsel for the State, the contesting Respondent, and the specific submissions advanced on behalf of the Deputy Conservator of Forest Alibag, being recorded, we permitted withdrawal of the said amount, in the manner as stated in the prayer clauses of the application.

The order was therefore passed in terms of prayer clauses (b), (c) and (d) of the application, which reads thus:-

“(b) That this Hon’ble Court be pleased to permit the Applicant Nos.1 and 2 viz. Ganesh @ Pramod Vinayak Joshi and Gangadhar @ Pratap Vinayak Joshi respectively to withdraw a total amount of Rs. 25,01,563/- (Rupees Twenty Five Lakhs One Thousand Five Hundred Sixty Three only) from this Hon’ble Court towards their share of compensation in respect of land acquired by the State of Maharashtra;

(c) That this Hon’ble Court be pleased to permit the Applicant Nos.3, 4, 5 and 6 viz. Shri Dilip Ganesh Dandekar, Shri Rajendra Ganesh Dandekar, Smt. Mangala Gorishankar Palnitkar and Smt. Nila Chandrakant Deval respectively to withdraw a total amount of Rs. 72,80,488/- (Rupees Seventy Two Lakhs Eighty Thousand Four Hundred Eighty Eight only) from this Hon’ble Court towards their share of compensation in respect of land acquired by the State of Maharashtra.

(d) That this Hon’ble Court be pleased to permit the Applicant No.7 viz. Shri Bhalchandra Madhukar Joshi to withdraw a total amount of Rs. 72,80,488/-(Rupees Seventy Two Lakhs Eighty Thousand Four Hundred Eighty Eight only) from this Hon’ble Court towards his share of compensation in respect of land acquired by the State of Maharashtra.”

4. The learned counsel Mr. Kanade representing the applicants state that the Registry expected the Applicant Nos.1 and 2 to have common account so that the amount can be deposited in that account and then it will be apportioned between them. We find this exercise to be unnecessary as our direction is very clear when we permitted Applicant Nos.1 and 2 to withdraw an amount of Rs.25,01,563/- (Rupees Twenty Five Lakhs One Thousand Five Hundred Sixty Three Only) towards their share of compensation in respect of the land acquired by the State of Maharashtra.

Since rest of the amount was due towards other Applicants, together, Applicants No.1 and 2 were held entitled for withdrawal of Rs.25,01,563/- i.e. their share in the amount of Rs.1,70,62,539/-.

5 The learned counsel Mr.Kanade has sought instructions from the Applicants and in this regard he submit that since there is an understanding between Applicant Nos.1 and 2, to the effect that the amount payable to them shall be equally apportioned between them, and amount of Rs.12,50,781.50 (Rupees Twelve Lakhs Fifty Thousand Seven Hundred Eighty One and Paise Fifty only) shall be transferred into the bank account of Applicant No.1 within a period of one week from today, the transfer being effected through NEFT as the account details of Applicant No.1 are already furnished to the Registry.

6 As far as prayer clause (c) is concerned, we are informed that Applicant Nos.4, 5 and 6 have executed Affidavits in favour

of Applicant No.7, which are taken on record, authorizing him to receive the amount on their behalf.

However, no Affidavit is filed by Applicant No.3 who is in USA, and hence the amount payable to him shall continue to remain deposited with the Registry.

The share of Applicant Nos.4, 5 and 6 in the sum of Rs. 18,20,122/- (Rupees Eighteen Lakhs Twenty Thousand One Hundred Twenty Two only) payable to each of the, shall be disbursed by the Registry, in favour of Applicant No.7.

Thus, a total sum of Rs.54,60,366/- (Rupees Fifty Four Lakhs Sixty Thousand Three Hundred Sixty Six Only) shall be paid to Applicant No.7 within a period of one week from today.

7 It is made clear that the amount due towards Applicant Nos.2 and 3 shall continue to remain with the Registry, with liberty being granted to file appropriate application as and when the said Applicants deem it necessary.

8 With the above-said directions, the praecipe stand disposed of.

[MANJUSHA DESHPANDE, J.]

[BHARATI DANGRE, J.]