

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.4529 OF 2015
IN
FIRST APPEAL NO.132 OF 2015**

Rambhau Baburao Dhole.

...APPLICANT

VERSUS

Executive Engineer, Lower Dudhna
Project Division, Sailu,
Tq. Sailu, Dist. Parbhani & ors.

...RESPONDENTS

WITH

**C.A. No. 4606/2015 IN F. A. NO. 2168 OF 2014
C.A. No. 2154/2015 IN F. A. NO. 2170 OF 2014
C.A. No. 2155/2015 IN F. A. NO. 2169 OF 2014
C.A. No. 2160/2015 IN F. A. NO. 2172 OF 2014
C.A. No. 4603/2015 IN F. A. NO. 2166 OF 2014
C.A. No. 4604/2015 IN F. A. NO. 2171 OF 2014
C.A. No. 4605/2015 IN F. A. NO. 2167 OF 2014**

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Mr. R. V. Gore, Advocate for applicants.
Mr. V. M. Lomte, Advocate for the respondent No. 1.
Mr. D. R. Korde, AGP for respondent/State.
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CORAM : N.W. SAMBRE, J.

DATE : 18TH APRIL, 2015

ORAL ORDER :

It is not in dispute that the appellant, by subject matter No. 47/8 in the meeting of Board of Directors, decided not to prefer any appeal in the matters wherein the claimants are granted compensation by the Reference Court to the tune of Rs.1200/- per Are for dry crop land.

2. The appellant herein claimed that part of the land under award is irrigated and part is of dry crop land.

3. Be that as it may, the applications for withdrawal of the amount, which are objected by the appellant. Learned Counsel for the appellant has opposed the prayer for permission to withdraw the amount on the ground that the claim was granted by the Reference Court at exorbitant rate. In support thereof, he has tried to rely upon the observations made by the Reference Court in the order in question in appeal.

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4. Mr. Gore, learned Counsel for the applicants has invited attention of this Court to the matters wherein acquisition proceedings are initiated at the behest of the M.I.D.C. According to him, the Apex Court has granted withdrawal of 50% of the enhanced compensation without security and balance of 50% on furnishing security to the satisfaction of the Collector by an order passed in the matter of Wajidmiya Abdul Raheman Shaikh & ors. vs. Maharashtra Ind. Dev. Cor. & ors. on Civil Appeal No. 8056/2013 in Special leave Petition No.24894 of 2013.

5. Having regard to the consideration narrated herein above, it will be appropriate that the applicants herein shall permit to withdraw 50% of the amount deposited by appellant upon furnishing an undertaking to the satisfaction of the Registrar (Judicial).

6. So far as remaining 50% amount is concerned, the amount to the extent of 25% from the said amount is permitted to be withdrawn by the applicants upon furnishing bank guarantee of nationalized bank. Balance amount be kept in fixed deposit in nationalized bank, initially for period of three years

7. The civil applications stand allowed to above extent and disposed of.

[N.W. SAMBRE, J.]