

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

CIVIL APPLICATION NO.4762 OF 2015
IN
FIRST APPEAL NO.2387 OF 2014

Sheshrao Vamanrao Giram
died, through his L.Rs.
Saraswati Sheshrao Giram
and ors.

..Applicants

Versus

The Executive Engineer,
Lower Dudhna Project, Selu
and ors.

..Respondents

Mr D.M. Kakade, Advocate for applicants
Mr V.M. Lomte, Advocate for respondent No.1
Mr D.R. Korde, A.G.P. For respondents 2 and 3

CORAM : N.W. SAMBRE, J.

DATE : 8th May 2015

PER COURT

1. 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.1,200/- per Are for dry crop land.
2. The appellants 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

are objected by the appellants. 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.

4. Mr Kakade, 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. The said order passed in the matter of **Wajidmiya Abdul Raheman Shaikh & Ors., Vs.Maharashtra Ind.Dev.Cor.& Ors.,** in Civil Appeal No.8056/2013 in Special Leave Petition No.24894 of 2013 is taken on record.

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

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 So far as remaining 50% amount is concerned, the amount to the extent of 25% from the said amount is permitted to be withdrawn by the applicants upon furnishing Bank guarantee of nationalised Bank.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

7. The Civil Application stands allowed to above extent and disposed of.

(N.W. SAMBRE, J.)

vvr