

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

CIVIL APPLICATION NO. 15761 OF 2015
IN FA/1473/2014

BADRINATH SAKHARAM MISAL
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, JALNA
AND OTHERS

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*Advocate for Applicant : Mr. S.V. Suryawanshi, holding for
Smt. Asha D. Rakh*

Advocate for Non-applicant no.1 : Mr. V.R. Sonwalkar

AGP for Non-applicant no.2 : Mr. N.B. Patil

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CORAM : A.M. BADAR, J.

DATE : 15TH DECEMBER 2015

PER COURT :

1. Heard the learned Counsel appearing for the parties. Perused the impugned judgment and award.
2. The notification under Section 4 of the Land Acquisition Act, 1894, is dated 17-12-2000. The land acquired was from village Dhangar Pimpri [Taluka : Ambad, District : Jalna]. The Land Acquisition Officer had awarded compensation at the rate of Rs. 680/- per Are and that was enhanced to Rs. 2,000/- per Are by the learned reference Court.

Considering the nature of enhancement and the evidence relied by the learned reference Court for awarding such exorbitant enhancement, I am of the opinion that only 50 % of the amount under the award can be directed to be released in favour of the present applicant - original claimant.

3. Hence I pass the following order :-

The Application is partly allowed. The applicant is permitted to withdraw 50 % amount under the award, on furnishing personal undertaking that in the event of allowing the appeal, he shall refund the amount within a period of one month thereafter. Rest of the amount under the award be kept in Fixed Deposit in any nationalized Bank initially for a period of six months and thereafter to be renewed for every six months till disposal of the appeal.

4. The Civil Application is disposed of in the above terms.

(A.M. BADAR)
JUDGE

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