

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

**CIVIL APPLICATION NO. 15141 OF 2015
IN
FIRST APPEAL ST. NO. 15075 IF 2013**

Gayabai Rajendra Narhare .. Applicant

Versus

The State of Maharashtra & Ors. .. Respondents

WITH

C.A. NO. 15143 OF 2015 IN F.A.ST.NO.15072 OF 2013

C.A. NO. 15144 OF 2015 IN F.A.ST.NO.14948 OF 2013

C.A. NO. 15145 OF 2015 IN F.A.ST.NO.15078 OF 2013

Mr. V.D. Gunale, Advocate for the applicants.

Mr. N.B. Patil, AGP for respondent/State.

Mr. M.N. Navandar, Advocate for respondent No.3.

CORAM : A.M. BADAR,J.

DATED : 24.11.2015

P.C. :-

1. These are applications by original claimants for withdrawal of amount under award deposited by acquiring authority.

2. Heard Mr. Gunale, learned Counsel appearing for the applicants/original claimants. He submits that in some other cases where land is acquired from the same

notification, rate per sq.ft. is awarded. Hence, in his submission, claimants are entitled to withdraw amount of enhanced compensation awarded to them by the learned Reference Court.

3. As against this, learned Counsel Mr. Navandar appearing for non-applicant/original appellant with the aid of judgment of the Reference Court contents that acquired lands were non-irrigated and the sale instance relying on which compensation is enhanced are in respect of some other village.

4. Perusal of impugned judgment and award shows that sale instances at Exhs.29 and 30 relied by the claimants were held to be not perfectly comparable with the land under acquisition. However, considering guidelines given by the superior Courts, the learned Reference Court enhanced the compensation from Rs.56,000/- per hectare to Rs.1,80,000/- per hectare i.e. Rs.1,800/- per R. Hence, considering impugned judgment

and award of the Reference Court, following order :-

i. Applicants/claimants are permitted to withdraw 50% amount under award on furnishing personal undertaking that in the event of allowing the appeal, they shall refund the amount withdrawn within a period of one month from the date of order.

ii. Applicants/original claimants are further permitted to withdraw 25% of the amount under award on furnishing solvent surety.

iii. Rest of the amount under the award be deposited in fixed deposit with nationalized bank initially for a period of one year.

5. Civil Applications are accordingly disposed of.

[A.M. BADAR, J.]