

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.2844 OF 2014
IN
FIRST APPEAL NO.257 OF 2013**

Bhavan Motiram Pawar & Anr.

.. Applicants

Vs.

The State of Maharashtra and Anr.

.. Respondents

WITH

**CIVIL APPLICATION NO.1261 OF 2014
IN**

FIRST APPEAL NO.253 OF 2013

WITH

**CIVIL APPLICATION NO.1262 OF 2014
IN**

FIRST APPEAL NO.254 OF 2013

WITH

**CIVIL APPLICATION NO.1263 OF 2014
IN**

FIRST APPEAL NO.256 OF 2013

WITH

**CIVIL APPLICATION NO.1264 OF 2014
IN**

FIRST APPEAL NO.260 OF 2013

WITH

**CIVIL APPLICATION NO.1265 OF 2014
IN**

FIRST APPEAL NO.268 OF 2013

WITH

**CIVIL APPLICATION NO.1266 OF 2014
IN**

FIRST APPEAL NO.266 OF 2013

WITH

CIVIL APPLICATION NO.1878 OF 2014

IN
FIRST APPEAL NO.261 OF 2013
WITH
CIVIL APPLICATION NO.2843 OF 2014
IN
FIRST APPEAL NO.255 OF 2013
WITH
CIVIL APPLICATION NO.2845 OF 2014
IN
FIRST APPEAL NO.258 OF 2013
WITH
CIVIL APPLICATION NO.2846 OF 2014
IN
FIRST APPEAL NO.259 OF 2013
WITH
CIVIL APPLICATION NO.2848 OF 2014
IN
FIRST APPEAL NO.262 OF 2013
WITH
CIVIL APPLICATION NO.2849 OF 2014
IN
FIRST APPEAL NO.263 OF 2013
WITH
CIVIL APPLICATION NO.2850 OF 2014
IN
FIRST APPEAL NO.264 OF 2013
WITH
CIVIL APPLICATION NO.2851 OF 2014
IN
FIRST APPEAL NO.265 OF 2013
WITH
CIVIL APPLICATION NO.2852 OF 2014
IN
FIRST APPEAL NO.267 OF 2013
WITH
CIVIL APPLICATION NO.2853 OF 2014
IN
FIRST APPEAL NO.269 OF 2013
WITH
CIVIL APPLICATION NO.2854 OF 2014
IN

**FIRST APPEAL NO.270 OF 2013
WITH
CIVIL APPLICATION NO.2855 OF 2014
IN
FIRST APPEAL NO.271 OF 2013
WITH
CIVIL APPLICATION NO.2856 OF 2014
IN
FIRST APPEAL NO.272 OF 2013
WITH
CIVIL APPLICATION NO.2857 OF 2014
IN
FIRST APPEAL NO.273 OF 2013**

Mr.Sandeep S. Shinde for the applicant in Civil Application No.2843 of 2014 to 2846 of 2014 and 2848 of 2014 to 2857 of 2014

Mr.Nikhil Pujari for the applicant in Civil Application No.1261 of 2014 to 1266 of 2014 and 1878 of 2014

Mr.A.R.Patil, A.G.P. for the State

**CORAM : K.K.TATED, J.
DATED : 7TH JANUARY, 2015**

PC:

1 Heard the learned counsel for the applicants and the learned A.G.P. for the respondents.

2 All these Civil Applications are preferred by original claimants for withdrawal of the amount deposited by the respondent State of Maharashtra.

3 In the present proceeding, the respondent State of Maharashtra

acquired the applicant's land for the purpose of Suphale Dam (Punad Project) by issuing notification under section 4 of the Land Acquisition Act, 1894 dated 6th August, 1999. After following due process of law, the Special Land Acquisition Officer declared award dated 5th August, 2001 and awarded acquisition in respect of acquired land @ Rs.25,500/- to Rs.34,500/- per hectare. The Special Land Acquisition Officer also awarded Rs.1500/- per hectare as a compensation for pot kharab land. Being aggrieved by the said award, the applicant has preferred reference under section 18 of the Land Acquisition Act. The Reference Court by common judgment and award dated 18th December, 2009 awarded enhanced compensation in respect of acquired land. The Reference Court awarded Rs.2,30,112/- per hectare for Bagayat Land and Rs.1,84,090/- per hectare for Jirayat land.

4 Being aggrieved by the said award, the respondent State of Maharashtra preferred these First Appeals in this court. These First Appeals are admitted and interim relief was granted on condition to deposit entire decretal amount in Reference court. Hence, these applications are for withdrawal of the amount.

5 Considering the submissions made by the learned counsel for the Applicant and the averments made in paragraph 4 of the Civil Applications, I am satisfied that the Applicant has made out a case for allowing the Civil Applications. At the same time, applicants have to provide solvent security to the satisfaction of the Reference Court at the time of withdrawal of the amount. Hence, following order:

a) Applicants in all the Civil Applications are permitted to withdraw the amount deposited by respondent State of Maharashtra by furnishing solvent security to the satisfaction of the Reference Court.

b) If amount is not withdrawn within sixteen weeks from today, Reference Court is directed to invest the remaining amount in fixed deposit of any nationalised bank initially for a period of one year and same be continued till the hearing and final disposal of the First Appeal.

c) All the Civil Applications are disposed of accordingly.

(K.K.TATED, J.)