

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3844 OF 2016
IN FA/879/2014

SANJAY SHESHRAO NAIKWADI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. A.A. Mukhedkar
AGP for Respondents: Mr. K.D. Mundhe
.....

CORAM : V. K. JADHAV, J.
DATED : 18th APRIL, 2016

PER COURT:-

1. Heard learned counsel for the applicant and the learned A.G.P. for the respondent State.
2. Learned counsel for the applicant submits that even though this court has admitted the appeal long back, the respondent State has deposited the amount under award belatedly. Learned counsel submits that the applicant is poor agriculturist and even though his land is acquired he is not getting enhanced compensation.
3. Learned A.G.P. submits that the Reference Court has considered sale instance executed prior to 10 months of the date of Section 4 notification and increased the compensation to the extent of 60% only by considering so called trend. Learned A.G.P. submits

that usually 10% yearly increase is considered and it can accordingly be granted. However, in the present case, the Reference Court has increased the compensation to the extent of 60%.

4. In view of the above submissions and considering peculiar facts of this case, following order would meet the ends of justice:-

- i) The applicant is permitted to withdraw 75% of the total deposited amount i.e. 25% on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court, 25% on furnishing surety to the satisfaction of Registrar (Judicial) of this court and 25% by furnishing bank guarantee of any nationalized Bank.
- ii) Remaining 25% amount shall be kept in fixed deposit in any Nationalized Bank, initially for a period of three years and the fixed deposit be renewed thereafter from time to time, till disposal of first appeal.

5. Civil application is disposed of accordingly.

(V. K. JADHAV, J.)

rlj/