

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 5651 OF 2016
IN FA/1487/2016

BALIRAM TOTARAM PATIL DIED THR. L.RS. DAGADU BALIRAM PATIL
AND ANOTHER

VERSUS

STATE OF MAHARASHTRA THR THE SPECIAL LAND
ACQUISITION OFFICER 1 JALGAON AND ANOTHER

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Advocate for Applicants : Mr. Kale Ajeet B.
AGP for Respondents: Mr. K.N. Lokhande

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CORAM : V. K. JADHAV, J.
DATED : 29th APRIL, 2016

PER COURT:-

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

2. Learned counsel for the applicants submits that the land was acquired way back in the year 1992 and the land acquisition reference was pending before the Reference court since 1995, which was subsequently renumbered as L.A.R. No. 1438 of 1998 with connected Land Acquisition References. Learned counsel submits that even this Court considering the nature of challenge in the appeal granted interim stay to the execution of the impugned award upon depositing 50% of the amount under awards. Learned counsel submits that in view of the above, the applicants be permitted to withdraw the entire amount on condition as this Court may deem fit.

3. Learned A.G.P. submits that even though Special Land Acquisition Officer awarded the compensation of Rs.70,000/- per hectare, the Reference court has awarded compensation at the rate of Rs.225 per Sq. meters by treating the land as non agricultural land. Learned A.G.P. submits that considering the same, this court has granted interim stay by directing the State to deposit 50% amount under award. Learned A.G.P. in the alternate submits that by imposing certain conditions, the applicants-original claimants may be permitted to withdraw the amount to the extent of 75% of the amount deposited before this Court.

4. Considering the rival submissions, it would be just and proper if the claimants are permitted to withdraw the entire amount with certain conditions. In the light of that, the applicants-original claimants are hereby permitted to withdraw 50% of the amount on furnishing undertaking and further permitted to withdraw 50% amount on furnishing solvent surety to the satisfaction of Registrar (Judicial) of this Court.

5. Civil application is accordingly disposed of.

(V. K. JADHAV, J.)

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