

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1)

5511-15cagr

915 CIVIL APPLICATION NO. 5511 OF 2016
IN FA/2296/2015

WITH

CA/5512/2016 IN FA/2297/2015

WITH

CA/5513/2016 IN FA/2298/2015

VASANT VISHWANATH PATIL

VERSUS

THE EXECUTIVE ENGINEER, PATHBANDHARE MAJBUTIKARAN
DIVISION, OMERGA THR MKVDC PUNE

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Advocate for Applicant :Mr.V.D.Sapkal h/f
Mr.Laxmikant C. Patil

Advocate for Respondent No.1 : Mr.A.N.Gaddime
AGP for Respondent / State : Mr.P.G.Borade

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CORAM : P.R. BORA, J.

Dated: May 03, 2016

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PER COURT :-

1) Heard learned Counsel appearing for the applicants and learned Counsel appearing for the acquiring body.

2) The applicants are seeking withdrawal of 100% amount which has been deposited by the acquiring body in this Court. Learned Counsel appearing for the acquiring body opposes the prayer stating that, when the Special Land Acquisition Officer has awarded compensation at the rate of Rs.335/- per R., the reference Court has enhanced the said compensation

AGP/-

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seven times and awarded it at the rate of Rs.2580/- per R. It is further contended that, the Reference Court has failed in appreciating the evidence on record. Learned Counsel appearing for the applicant has brought to my notice certain observations made by the Reference Court in para 13 of the Judgment. It is also brought to my notice that, the sale instances though have been relied upon by the Reference Court, while determining the amount of compensation, the Reference Court has determined the same at lower level. Having regard to the submissions so made, I find it appropriate to pass the following order:

ORDER

1) The applicants are permitted to withdraw 50% of the amount of compensation deposited by the acquiring body on submitting an undertaking that in the event, any adverse order is passed against them and amount of compensation is decreased, they will redeposit the said amount within two months thereafter.

Balance 50% amount is permitted to be withdrawn by furnishing a Bank Guarantee in that regard by the applicants.

2) Applications stand disposed of.

(P.R. BORA, J.)

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AGP/-