

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

**CIVIL APPLICATION NO. 8378 OF 2015
IN
FIRST APPEAL NO. 57 OF 2015**

Hamid Ali Khan
s/o Mahiboob Ali Khan

.. APPLICANT

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. V.J. Dixit, Senior counsel instructed by Mr. V.D. Gunale, advocate for applicant.

Mr. S.B. Pulkundwar, AGP for the State.

Mr. N.V. Gaware, advocate for respondent no. 2.

=====

**CORAM : R.M. BORDE &
SANGITRAO S. PATIL, JJ.
DATE : 25th NOVEMBER, 2016.**

PER COURT :

This is an application seeking withdrawal of amount deposited by acquiring body in this Court.

2. Land belonging to applicants to the extent of 17 acres and 15 gunthas situate at Shivaji Chowk, Latur is stated to have been acquired for construction of administrative building. Notification under section 4 was issued on 26.02.1987 whereas award has been declared by the Collector on 03.05.1990. The Collector prescribed value of the land at Rs.5/- per sq. ft. Claimants being aggrieved by the award, presented application seeking reference of the matter to the civil Court and claimed compensation at the rate of Rs. 300/- per sq. ft. Reference Court awarded compensation at the

rate of Rs. 112/- per sq. ft. The State moved first appeal challenging the order of enhancement passed by the reference court. In view of the interim direction issued by this court, the acquired body has deposited 50% of the amount out of the amount of award.

3. Heard arguments advanced by Mr. Dixit, learned Senior Counsel for the claimants. It is stated on instructions by learned Senior Counsel that the claimants would be satisfied if they are permitted to withdraw 25% of the amount out of the amount deposited by acquiring body by furnishing solvent security for the like amount. We are also inclined to accept the proposal of claimants seeking permission to withdraw 25% of the amount. Applicants shall be permitted to withdraw 25% of the amount out of the amount deposited by acquiring body in this court by furnishing solvent security for the like amount. Balance amount shall be invested in fixed deposit in any nationalised bank initially for a period of three years and the fixed deposit receipt shall be renewed thereafter until disposal of the appeal. Civil application stands disposed of.

(SANGITRAO S. PATIL)
JUDGE

(R. M. BORDE)
JUDGE

dyb