

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

Civil Application No. 10312 of 2016
(In First Appeal No. 2614 of 2016)

District : Osmanabad

Rafiq Babulal Attar.

.. Applicant
(Original respondent)

versus

The State of Maharashtra,
Through Collector, Osmanabad,
& 2 others.

.. Non-applicants
(Original appellants)

.....

Mr. Ajit B. Kale, Advocate, for the applicant.

*Mr. S.B. Pulkundwar, Asst. Government Pleader, for
non-applicant nos.1 to 3.*

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**CORAM : R.M. BORDE &
Z.A. HAQ, JJ.**

DATE : 09TH DECEMBER 2016

ORAL ORDER :

Heard.

02. The reference Court has awarded enhanced compensation considering the judgment passed in L.A.R. No.299/2011 wherein the rate in respect of acquired land is prescribed as Rs. 24,975/- per Are.

L.A.R. No. 299/2011 arises out of the same Section 4 notification which is also matter of consideration in the instant First Appeal. It is pointed out that in an appeal challenging the judgment and order passed in L.A.R. 299/2011, this Court has permitted withdrawal of 75 % amount out of the total amount deposited by the acquiring body in this Court.

03. Considering the order passed in Civil Application No. 7320 of 2014 (In First Appeal No. 562 of 2014), dated 1st August 2014, we pass the following order :-

(a) The applicants are permitted to withdraw 25 % amount deposited on furnishing personal undertaking to this Court that in case applicants are directed to refund the amount, they will refund amount within one month.

(b) The applicants are allowed to withdraw further 25 % of the total amount deposited by furnishing solvent surety of the like amount.

(c) The applicants are permitted to withdraw further 25 % amount on submitting a bank guarantee of the like amount of any nationalized or scheduled bank.

(d) The remaining 25 % amount be kept in fixed deposit of any nationalized bank.

04. The Civil Application stands disposed of in the above terms.

(Z.A. HAQ)
JUDGE

(R.M. BORDE)
JUDGE

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