

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

**CIVIL APPLICATION NO. 10660 OF 2014
IN
FIRST APPEAL NO. 1235 OF 2013**

Shriram Kashinath Chavan

...APPLICANT

versus

The State of Maharashtra and others

...RESPONDENTS

.....

Mrs. P.G. Sontakke Advocate for applicant

Mr. S.P. Sonpawale, AGP for respondent - State

Mr. D.P. Deshpande, Advocate for respondent No. 2 - appellant

.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 29th APRIL, 2016.

Order :-

1. This is an application for withdrawal of amount.
2. Mr. Deshpande, learned counsel for respondent No. 2 submits that cheque for deposit of deficit amount is with him and the Office be directed to accept the same.
3. The Office to accept the cheque deposited by learned counsel for respondent No. 2 within a period of one week from today.
4. Learned counsel for applicant submits that Reference court has awarded enhanced compensation amount considering the sale instances produced on record.
5. Mr. Deshpande, learned counsel for respondent No. 2 submits that the court has already awarded compensation considering the land to be developed land, thus, whole area could not have been considered

by awarding compensation amount, deduction is required to be made.

6. We have also heard learned Assistant Government Pleader for respondent No. 1.

7. We have considered the submissions. Today, the award is in favour of the applicant. The Special Land Acquisition Officer has considered the land to be developed land and has awarded compensation @ Rs.27.65 per sq. meter whereas Reference Court has awarded enhanced compensation @ Rs.90/- per sq. meter.

8. Considering the above, we pass the following order:-

The applicant is allowed to withdraw Rs.10,00,000/- (Rupees Ten Lakhs) on submitting an undertaking to the Court that in the event, the applicant is directed to deposit the amount, the applicant would deposit the same within a period of one month. The applicant is further allowed to withdraw Rs.7,00,000/- (Rupees Seven Lakhs) on submitting solvent security/surety of the like amount and also the applicant is allowed to withdraw the remaining amount on furnishing bank guarantee of any scheduled Bank or Nationalized Bank of the like amount.

9. The civil application is disposed of accordingly.

Sd/-

Sd/-

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]

MTK