

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

WRIT PETITION NO. 1944 OF 2011

Smt. Megha Sanjay Sangale and others .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri A. B. Kale, Advocate for Petitioners.

Shri S. N. Morampalle, A.G.P. for Respondent Nos. 1 to 3.

Shri J. R. Shah, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 12TH FEBRUARY, 2016.

PER COURT :

. The petition is filed seeking directions against the respondents to pay the amount under the award passed by the respondent No. 3 dated 30th December 2008. The said award is passed U/Sec. 28-A of the Land Acquisition Act (for short "L. A. Act").

2. Mr. Shah, the learned counsel for the respondent No. 4 submits that, the respondent No. 4 has filed an appeal before this Court against the judgment and award passed U/Sec. 18 of the L. A. Act which was relied while award U/Sec. 28-A of the L. A. Act was passed. The respondent No. 4/acquiring body has deposited

50% of the amount of compensation and paid to petitioners as per the orders of this Court.

3. Considering the above, the remaining 50% of the amount of compensation shall be deposited by the respondent No. 4/acquiring body as per the award passed along with all statutory benefits admissible within a period of eight (8) weeks from today. The petitioners are allowed to withdraw the said amount on furnishing security to the satisfaction of the Registrar (Judicial). The said withdrawal would be subject to the decision in First Appeal No. 768 of 2007. In addition to the security, the petitioners shall also file an undertaking to this Court that in the event, it is required to refund the amount after the judgment in the aforesaid first appeal, then petitioners would refund the same within a period of one (1) month. The writ petition is disposed of. Rule accordingly is disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]