

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

61 CIVIL APPLICATION NO. 841 OF 2016
IN FA/1409/2015 WITH CA/784/2016 IN FA/1415/2015 WITH
CA/786/2016 IN FA/1415/2015 WITH CA/787/2016 IN
FA/1416/2015 WITH CA/788/2016 IN FA/1416/2015 WITH
CA/790/2016 IN FA/1411/2015 WITH CA/791/2016 IN
FA/1411/2015 WITH CA/792/2016 IN FA/1412/2015 WITH
CA/794/2016 IN FA/1412/2015 WITH CA/795/2016 IN
FA/1417/2015 WITH CA/796/2016 IN FA/1417/2015 WITH
CA/797/2016 IN FA/1414/2015 WITH CA/798/2016 IN
FA/1414/2015 WITH CA/824/2016 IN FA/1413/2015 WITH
CA/825/2016 IN FA/1413/2015 WITH CA/826/2016 IN
FA/1410/2015 WITH CA/827/2016 IN FA/1410/2015

BHAGWAT MADHAV AWARI
VERSUS
THE EXECUTIVE ENGINEER URDHAWA PRAVARA DHARAN VIBHAG
AND ANOTHER

...
Advocate for Applicant : Bide Dnyaneshwar A
AGP for Respondent No. 2 : K.N. Lokhande
Advocate for Respondents : R C Patil
...

CORAM : T.V. NALAWADE, J.
DATED : 8th February, 2016.

ORDER :

1. In the applications filed for permission to withdraw the compensation amount deposited by the Acquiring Body, heard both the sides. This Court has gone through the judgments and awards of the Reference Court. The Land Acquisition Officer has granted compensation of Rs. 80,000/- and Rs. 89,500/- per Hector when the Reference Court has enhanced compensation at the rate of Rs. 3,00,000/- per Hector. The main

grievance of the Acquiring Body is that sale instance of village Rajur is considered when the land acquired is from village Digamber. He submitted that Rajur has commercial prospectus and so, the price is very high.

2. This Court has gone through the record showing the distance between village Rajur and the land acquired. In view of this circumstance, this Court holds that permission can be given to withdraw 75% of compensation amount deposited by the Acquiring Body with statutory benefits. In those terms, all the applications filed for withdrawal of amount are allowed. The amount is to be paid after giving an undertaking by the claimants that they will deposit the amount, in case, the Acquiring Body succeeds in appeals. The remaining 25% amount is to be kept in fixed deposit in nationalised bank. The amount be sent to Reference Court where the execution proceedings are filed.

3. The applications, if any, filed for extension of time are allowed and disposed of.

[T.V. NALAWADE, J.]

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