

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

**952 CIVIL APPLICATION NO. 608 OF 2016
IN FA/1328/2015 WITH CA/609/2016 IN
FA/1327/2015 WITH CA/610/2016 IN FA/1326/2015
WITH CA/611/2016 IN FA/1325/2015 WITH
CA/612/2016 IN FA/1324/2015 WITH CA/613/2016 IN
FA/1331/2015 WITH CA/614/2016 IN FA/1330/2015
WITH CA/615/2016 IN FA/1329/2015 WITH
CA/616/2016 IN FA/1294/2015 WITH CA/617/2016 IN
FA/1322/2015 WITH CA/618/2016 IN FA/1323/2015**

Bapurao Manoharrao Patil.

.. Appellant.

Versus

The State of Maharashtra
And Another.

.. Respondents.

Shri. Ravibhushan P. Adgaonkar, Advocate, for applicant.

Shri. K.N. Lokhande, Assistant Government Pleader, for
respondent No.1.

Shri. D.V. Soman, Advocate, for respondent No.2.

CORAM: T.V. NALAWADE, J.

DATE : 22nd JANUARY 2016

ORDER:

1) The applications are filed for permission to
withdraw the amount. Heard both sides.

2) Copy of award prepared by the Land Acquisition Officer is taken on record. Seen the judgment and award of the Reference Court. Learned counsel for the applicants, original claimants, has produced copy of order of this Court in Civil Application No.6421 of 2015 in First Appeal Stamp No.34055 of 2014 dated 28-8-2015.

3) The Reference Court has granted compensation after considering a sale instance. The acquiring body is seriously disputing the nature and quality of the land from Land Acquisition Reference Nos. 199/2003 and 208/2003. It is contended for the acquiring body that the land was not irrigated but it is held that it is seasonally irrigated and higher rate is given. In view of these circumstances and the facts of the two cases this Court holds that in all the matters, except Appeal Nos. 1328 of 2105 and 1294 of 2015 permission can be granted to withdraw the entire amount as follows :-

4) 50% of the amount is allowed to be withdrawn subject to giving undertaking and the remaining 50% of the amount is allowed to be withdrawn subject to giving

solvent surety in respect of that amount. In those terms, these applications are allowed and disposed of.

5) In First Appeal Nos.1328/2015 and 1294/2015 it is to be presumed for present purpose that the lands are dry lands and the rate of Rs.1500/- per R is to be presumed. Calculating the amount on that basis, 50% amount is allowed to be withdrawn subject to giving undertaking and remaining 50% amount is allowed to be withdrawn on giving solvent surety in respect of that amount. In those terms the applications are allowed and disposed of. Liberty is given to the original claimants from these two proceedings to show that there was really facility of irrigation and cash crops from the irrigated land were taken. Call record and proceedings. List the appeals for admission purpose on 11th April 2016.

Sd/-
(T.V. NALAWADE, J.)

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