

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.873 OF 2016

IN

FIRST APPEAL NO.29 OF 2014

Pandurang Dhondi Panhalkar

.. Applicant

IN THE MATTER BETWEEN

The Executive Engineer

Kanher Canal Division No.2,

Karawadi, Tal. Karad, Dist. Satara

.. Appellant

Versus

Pandurang Dhondi Panhalkar and others

.. Respondents

Mr. V. A. Shastry i/by Mr. M. A. Athalye for the Applicant.

Mr. V. S. Tadke for the Respondent No.1.

Mr. A. R. Patil, AGP for the Respondent Nos.2 and 3.

CORAM : R.M. SAVANT, J.

DATE : 15th JULY 2016

PC.

1 The above Civil Application has been filed for withdrawal of the amount deposited by the Maharashtra Krishna Valley Development Corporation which is the acquiring body in the Reference Court. The amount deposited in the sum of Rs.3,81,696/-. The enhanced compensation is in the sum of Rs.1,33,000/- to which the various statutory allowances under the Land Acquisition Act have been added to make the

sum of Rs.3,81,696/-. The Applicant is a marginal farmer whose land has been acquired for the project affected persons. In my view, it would be just and proper to permit the Applicant to withdraw an amount of Rs.1,50,000/- without security and the balance remaining to be withdrawn after furnishing security to the satisfaction of the Reference Court. Prior to acceptance of the security the Acquiring Body to be heard in that respect. The Civil Application is accordingly disposed of.

2 Needless to state that if the Appellant i.e. State and the Acquiring Body succeed in the First Appeal, the Applicant would then have to return the amount withdrawn. In so far as the amount permitted to be withdrawn without security, an undertaking to be filed by the Applicant in the Trial Court at the time of withdrawal. The undertaking would be to the effect that the Applicant undertakes to refund the amount as would be directed by this Court at the hearing of the above First Appeal. Since the amount involved in the present application is a small amount, the instant order would not operate as a precedent in any future cases for withdrawal.

[R.M. SAVANT, J]