

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 CIVIL APPLICATION NO. 2896 OF 2017
IN FA/1564/2015 WITH CA/12871/2013 IN FA/1564/2015

AMIT DILIP SHINDE AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicants : Laxmikant Patil
AGP for Respondents: A.M. Phule
...

CORAM : V.K. JADHAV, J.
DATE : 07-03-2017.

P.C. :

1. Heard both the sides. Learned A.G.P. has strongly resisted the application on the ground that though the S.L.A.O. has awarded @ 132 per R, the Reference Court has awarded the compensation at the enhanced rate of Rs. 24,000/- per R.

2. The learned counsel for the applicant-original claimants submits that, the Reference Court has considered the sale instances exhibit-32 and 33 respectively, those sale instances are pertaining to the land adjacent to the acquired land and the land under sale instances were sold two years prior to the issuance of notification under Section 4. The learned counsel submits that the respondent-state has only deposited 50% of the amount of the award before this Court and in view of the evidence as discussed by the Reference Court in the impugned judgment and award, the applicants may be permitted to withdraw the entire amount

deposited before this Court on furnishing undertaking.

3. On careful perusal of the judgment and award passed by the Reference Court most particularly para no. 18 and the sale instances exhibit-32 and 33 respectively and after considering the 10% increase in the market price per year the Reference Court has awarded the compensation at the enhanced rate of Rs. 24,000/- per R. As directed by this Court the respondent-state has deposited 50% of the amount under the award passed by the Reference Court.

4. In view of the submissions made on behalf of the parties and in the light of the discussion made above the applicants are permitted to withdraw the amount deposited before this Court on furnishing undertaking to the satisfaction of the Registrar (Judicial). Civil application for withdrawal of compensation is accordingly disposed of.

(V.K. JADHAV)
JUDGE

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