

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

35 CIVIL APPLICATION NO. 4195 OF 2017
IN FA/3093/2015

ANGAD SHIVDAS CHAUGALE
VERSUS
THE EXECUTIVE ENGINEER, SINA KOLEGAON PROJECT DIVISION,
PARANDA AND ORS

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Advocate for Applicant : Shri More Abhijit S.
AGP for Respondents: Shri S.P.Sonpawale.
Advocate for Respondents : Shri S. B. Bhosale for R/1.

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WITH
CIVIL APPLICATION NO. 4199 OF 2017
IN FA/27/2016

FULCHAND MURLIDHAR MANE
VERSUS
THE EXECUTIVE ENGINEER, SINA KOLEGAON PROJECT DIVISION
PARANDA AND ORS

...

Advocate for Applicants : Shri More Abhijit S.
AGP for Respondents: Shri A.M.Phule.
Advocate for Respondents : Shri G. B. Rajale For R/1.

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

Per Court:

1 The learned counsel for the Applicants submits that the
Special Land Acquisition Officer has awarded compensation at the rate of
Rs.26,000/- per acre and the Reference Court has enhanced at the rate of

Rs.96,000/- per acre by relying on the sale instances of 1994 of the same village. Section 4 notification was published in 1997 in respect of the acquired land. The learned counsel submits that the Applicants have claimed compensation at the enhanced rate of Rs.2 lac per acre. However, by relying on the said sale instances, the Reference Court has awarded the compensation at the enhanced rate of Rs.96,000/- per acre only.

2 The learned counsel for the acquiring body has strongly resisted the applications mainly on the ground that the Reference Court has awarded the exorbitant rate of compensation at enhanced rate.

3 Considering the above submissions and the fact that Section 4 notification was published way back in the year 1997, the Applicants are entitled for withdrawal of the compensation to some extent on certain conditions. The Applicants are permitted to withdraw 50% of the amount on furnishing an undertaking and 25% of the amount on furnishing a solvent surety, to the satisfaction of the Registrar (Judicial) of this Court.

4 The Civil Applications are allowed and disposed of accordingly.

(V.K. JADHAV, J.)