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

**953 CIVIL APPLICATION NO. 5069 OF 2017
IN FA/76/2017 WITH CA/5071/2017 IN FA/77/2017 WITH CA/5072/2017
IN FA/75/2017**

**NAMDEO NARAYAN KALE
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION, ZILLA
PARISHAD, PARBHANI AND A**

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Advocate for Applicant : Mr Jogdand Patil Vijay B.
Advocate for Respondent No. 1 : Mr Shinde Bhagwat A.
AGP for respondent No.2 : Mr S. S. Dande

CORAM : V.K. JADHAV, J.

DATE : 28th April, 2017

ORAL ORDER

Heard both the sides.

2. The learned counsel for the applicants submits that though the lands came to be acquired vide notification under Section 4 of the Land Acquisition Act published in the year 2013, the applicants have not received any compensation at the enhanced rate.

3. The learned counsel appearing for the acquiring body has strongly resisted the applications, however in the alternative, submits that the applicants may be permitted to withdraw 50% of the amount on certain conditions.

4. In view of the above submissions and considering the challenge made to the judgment and award passed by the Reference Court, the applicants are permitted to withdraw 50% of the amount deposited before this Court on furnishing undertaking and 25% of the amount on furnishing solvent surety to the satisfaction of Registrar (Judicial).

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5. Rest of the amount shall be invested in any nationalized bank initially for a period of five years and renewal thereafter as directed by this Court.

6. Civil Applications are accordingly disposed of.

(V.K. JADHAV, J.)

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