

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

918 CIVIL APPLICATION NO. 5194 OF 2016
IN FA/1873/2014

NAGNATH MANMATHAPPA KHANAPURE (DIED) THROUGH LRS
SONABAI NAGNATH KHANAPURE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. S. B. Talekar.
AGP for Respondent No.1: Mr.S.P.Sonpawle.
...

CORAM : **V. K. JADHAV, J.**
DATE : 13th April, 2017.

P.C.:

. Heard both the sides.

2 The learned AGP submits that the Special Land Acquisition Officer has awarded the compensation at the rate of Rs.1,215/- per Are, however the Reference Court has awarded the compensation at the enhanced rate of Rs.166/- per square feet by treating the land as non-agricultural land. The learned AGP submits that even the Reference Court has considered the very small portion of the land under sale instance Exhibit – 26 and awarded the exorbitant amount of compensation for the large area of land under acquisition.

3 The learned counsel for the Applicants submits that the State has acquired the land under Section 4 notification published way back

in the year 2004 and the Applicants have not received any amount at the enhanced rate of compensation and they have received very meager amount from the Special Land Acquisition Officer at the meager rate by treating the land under acquisition as agricultural land.

4 Considering the challenge made to the judgment and award passed by the Reference Court and the fact that the Applicants have not received any compensation at the enhanced rate of compensation though the land was acquired under Section 4 notification published way back in the year 2004, the Applicants are permitted to withdraw 75% of the amount on certain conditions.

5 The Applicants are permitted to withdraw 25% of the amount on furnishing undertaking, 25% of the amount on furnishing solvent surety and 25% of the amount on furnishing bank guarantee of any nationalized bank to the satisfaction of the Registrar (Judicial) of this Court. The remaining amount of 25% shall be invested in Fixed Deposit in any nationalized bank for the initial period of five years and renew thereafter as directed by this Court. Civil application for withdrawal of amount is accordingly disposed of.

[V. K. JADHAV, J.]