

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.6869/2017gr

**917 CIVIL APPLICATION NO. 6869 OF 2017
IN FAST/35342/2016**

KASABAI SUNDARRAO BORADE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicant : Mr.Shirsat Suhas R.
AGP for Respondent State: Mr. R.B.Bagul

WITH
CA/6870/2017 IN FAST/35345/2016
WITH
CA/6871/2017 IN FAST/35339/2016
WITH
CA/6872/2017 IN FAST/35289/2016

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CORAM : P.R. BORA, J.
Dated: June 16, 2017
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PER COURT :-

1. Heard Shri Shirsath, learned Counsel appearing for the applicants i.e. Original claimants. The original claimants are seeking withdrawal of the amount of compensation deposited by the appellant in the present appeals in satisfaction of the impugned award as directed by this Court. Shri Bagul, learned AGP, has opposed for permitting withdrawal of the entire amount. Learned A.G.P. submitted that the Special Land Acquisition Officer had offered the compensation at the rate of Rs.1300/- per Are for Jirayat land after having considered the overall circumstances. Learned A.G.P. further submitted that the Reference Court without having any sufficient evidence therefor has enhanced the amount

agp/-

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(2)

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of compensation by determining the market value at the rate of Rs.11,250/- per Are for irrigated land and at half of the said rate for Jirayat land. Learned A.G.P., therefore, prayed that if at all any withdrawal is to be permitted, the applicants be permitted to withdraw 25 per cent of the deposited amount on furnishing undertaking, 25 per cent on submitting solvent security, and 50 per cent amount be directed to be kept in fixed deposit. Considering the submissions as aforesaid and, after having gone through the material on record, I deem it appropriate to pass the following order:

ORDER

1. The applicants are permitted to withdraw 35 per cent of the deposited amount on submitting an undertaking and remaining 65 per cent to be invested in Fixed Deposit Receipt of any Nationalized Bank initially for a period of two years and if so required for further period till disposal of the appeals. Civil Applications for withdrawal of amount stand disposed of in above terms.

(P.R. BORA, J.)

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