

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

967 CIVIL APPLICATION NO. 9681 OF 2017
IN FAST/20517/2015 WITH CA/9682/2017 IN FAST/20274/2015 WITH
CA/9683/2017 IN FAST/20514/2015 WITH CA/9684/2017 IN
FAST/20511/2015
TUKARAM SAYAJI BHANDE (DIED) THR LRS KONDABAI AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER, IRRIGATION DEPARTMENT, ZILLA
PARISHAD, AURANGABAD AND ANO

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Advocate for Applicants : Mr Wayal Vitthal B
AGP for Respondent : Mr S N Morampalle
Advocate for Respondents :D. B. Pawar For R/1

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CORAM : V.K. JADHAV, J.
Dated: July 21, 2017
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PER COURT :-

1. Heard both sides.
2. Learned counsel for the applicants submits that Special LAO has awarded the compensation @ Rs.465/- per Aar to the acquired land where as the reference court has awarded the compensation at the enhanced rate of Rs.1,000/- per Aar for jirayat lands, Rs.1500/- for seasonally irrigated lands.
2. Learned counsel for respondent acquiring body has resisted the application on the ground that reference court has placed reliance only on one sale instance, however, it appears from the impugned judgment and award that land under sale instance was sold prior to section 4 notification published in respect of the acquired lands and said sale instance is also from the same village.
3. In view of the above, the applicants herein are permitted to withdraw 50% of the amount out of the amount deposited before this court on furnishing an undertaking to the satisfaction of the registrar judicial and 25% on furnishing solvent surety to the satisfaction of the registrar Judicial.
4. Civil applications for withdrawal of the amount accordingly disposed of.

(V.K. JADHAV, J.)