

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

CIVIL APPLICATION NO. 12446 OF 2017

IN
FA/1554/2017

NANASAHEB RAGHUNATH MHASRUP
VERSUS
THE DEPUTY COLLECTOR, LAND ACQUISITION JP-1,
OFFICER/COLLECTOR, AURANGABAD AND ANR

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Advocate for Applicants : Wayal Vitthal B
Mr. S.S.Dande, A.G.P. For R/1
Mr. P. R. Tandale, adv. For R/2

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CORAM : K.L.WADANE, J.
DATED : 3rd October, 2017

O R D E R :

Heard learned counsel for both sides.

2. This is an application for withdrawal of amount of compensation awarded by Reference Court.

3. Application is opposed by learned counsel appearing for acquiring body.

4. I have gone through the reasons recorded by the Reference Court. The Reference Court held that the market price of the acquired land was Rs. 22,222/- per Are, whereas the claimant has claimed compensation at the rate of Rs.20,000/- per Are i.e. less than the market value of the land worked

out. Since the claim of the claimant was restricted to Rs.20,000/- per Are, the Reference Court has awarded compensation at the same rate.

5. Learned counsel appearing for the acquired body submits that appeal may be admitted and listed for final hearing.

6. In view of above, Civil Application is allowed. The applicant is permitted to withdraw 50 per cent amount of total compensation and remaining 50 per cent amount of compensation be paid to the applicant on undertaking that in case adverse orders are passed in appeal, he will re-deposit the said amount in this Court within a period of 12 weeks.

7. Civil Application is disposed of.

(K.L.WADANE, J.)

dbm