

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

CIVIL APPLICATION NO. 12114 OF 2017

IN

FA/3203/2017

DNYANESHWAR BHAURAO GAIKWAD AND ORS

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 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 claimants have 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 claimants 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 applicants are permitted to withdraw 50 per cent amount of total compensation and remaining 50 per cent amount of compensation be paid to the applicants on undertaking that in case adverse orders are passed in appeal, they 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