

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

**919 CIVIL APPLICATION NO. 13052 OF 2017
IN FA/198/2011**

MANIK VENKATESH BHOOMKAR (DIED) THR LRS SARALA AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

**WITH
920 CIVIL APPLICATION NO. 13053 OF 2017
IN FA/163/2011**

PRABHAKAR VENKATESH BHOOMKAR DECEASED THR LRS PRAFULLA
@ NIRMALA PRABHAKAR BHOOM
VERSUS
THE STATE OF MAHARASHTRA AND ANR

**WITH
921 CIVIL APPLICATION NO. 13054 OF 2017
IN FA/197/2011**

MANIK VENKATESH BHOOMKAR (DIED) THR LRS SARALA AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for the Applicants : Shri P.G.Deshmukh a/w Shri Deshmukh Y.P.

AGP for Respondent 1/ State : Smt.M.A.Deshpande, Add.GP,
Smt.V.S.Chaudhari, AGP and Shri Y.G.Gujrathi, AGP

Advocate for Respondent 2 : Shri M.N.Navandar.

...

**CORAM: RAVINDRA V. GHUGE
AND
SUNIL K. KOTWAL, JJ.**

DATE :- 17th November, 2017

Per Court :

1 We have heard the learned Advocates for the Applicants and Respondent No.2/ Acquiring Body as well as the learned AGP on behalf of Respondent No.1/State. We have perused several orders passed by different coordinate Benches of this Court as well as the orders passed by the Honourable Supreme Court in these matters.

2 In these three cases, we are informed that the Special Land Acquisition Officer had granted the compensation of Rs.600/- per R land. In the Reference that was made to the LAR Court, the award has resulted in enhancement of compensation from Rs.600/- per R to about Rs.25,000/- per R. This appears to be approximately a rise which is more than 40 times and effectively a rise of about more than 4000%.

3 We are informed that the Acquiring Body has deposited 50% of the enhanced amount in this Court. Out of the said amount deposited in this Court, 50% has been withdrawn by these Applicants by tendering a bank guarantee and the remaining 50% by tendering a surety.

4 In the above backdrop, we called upon the learned Advocate for the Applicants to state that if we direct depositing the remainder 50% amount, we would permit the Applicants to withdraw 50% of the said remainder amount by tendering a bank guarantee and the remaining 50% by tendering a surety.

5 The learned Advocate for the Applicants submits that the said arrangement is acceptable to the Applicants.

6 The learned Advocate for the Acquiring Body submits that if the total 50% of the amount granted under the impugned award is protected by the bank guarantee, the Acquiring Body will have no objection.

7 Considering the above, these three Civil Applications are partly allowed. Respondent No.2/ Acquiring Body shall calculate the remainder 50% of the amount as per the impugned award and deposit the same in this Court within TWELVE WEEKS from today. After the said amount is deposited, the Applicants in these three applications, will then be permitted to withdraw the deposited amount on the following conditions:-

- (a) The Applicants shall make the application for withdrawal duly signed and identified by the learned Advocate for the Applicants.
- (b) Along with the application, each applicant shall produce his recent photograph, recent address proof as well as self attested copy of the Adhaar Card and/or Voter's Identity Card issued by the Election Commission of India.
- (c) Half of the amount to be withdrawn by the Applicants shall be permitted only after tendering a bank guarantee and the

said bank guarantee shall continue till the decision in the First Appeals.

- (d) The remaining half amount shall be withdrawn by the Applicants after tendering an affidavit-cum-undertaking to the Registrar (Judicial) of this Court indicating in the affidavit that if adverse orders are passed in the First Appeals and if the recovery of money is warranted, the Applicants would deposit the excess amount received, within three months, without interest, failing which, interest at the rate of 3% per annum shall be imposed on the amount from the date of the withdrawal till the date of actual deposit.

kps

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)