

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

CIVIL APPLICATION NO. 14442/2017
IN
FAST/3806/2017
WITH
CIVIL APPLICATION NO. 14443/2017
IN
FAST/3805/2017
WITH
CIVIL APPLICATION NO. 14444/2017
IN
FAST/3807/2017
WITH
CIVIL APPLICATION NO. 14445/2017
IN
FAST/3808/2017

JAGANNATH MANIK DHEMBARE (DIED) THROUGH LRS KASTURABAI
AND ORS.

VERSUS

THE STAET OF MAHARASHTRA AND OTHERS.

...

Advocate for the applicant : Mr. L.C. Patil.

A.G.P. for the respondent No. 1 : Mr. S.S. Dande.

Advocate for the respondent No. 2 : Mr. S.B. Bhosale.

CORAM : K. L. WADANE, J.

DATE : 5th December, 2017

ORDER:

1 Heard learned counsel appearing for the applicants as well as learned counsel appearing for the respondents.

2. These are the applications for withdrawal of amount of compensation awarded by the Reference Court at the rate of Rs. 5000/- per Are for irrigated land. Learned counsel for the appellants further submits that

the Special Land Acquisition Officer has awarded compensation at the rate of Rs. 480/- per Are. Mr. Patil, learned counsel for applicants points out that the claimants have adduced the evidence that the land under sale transaction was acquired for the same project and value of said land was Rs. 2500/- per Are for dry land. So considering the fertility of acquired land the Reference Court has awarded compensation at the rate of Rs.5000/- per Are.

3. In view of the above, I am of the opinion that the applicants can be permitted to withdraw 50 % amount of compensation without any condition. They are further entitled to receive 25 % amount of compensation on undertaking that in case adverse orders are passed in appeal then they will redeposit the amount in this Court within a period of 12 weeks from the date of order. Rest of the 25 % amount be invested in any Nationalized Bank initially for a period of 13 months and thereafter reinvested from time to time as per the order of this Court.

4. Civil Applications are disposed of accordingly.

(K.L.WADANE, J.)

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