

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

927 CIVIL APPLICATION NO. 14985 OF 2017
IN FAST/14233/2016

BIBISHAN ANNASAHEB NAIKNAWARE
VERSUS
THE EX. ENGINEER, OSMANABAD MEDIUM PROJECT DIV. OSMANABAD
UNDER THE MKVDC, PUNE A

...
Advocate for Applicant : Mr. Estling S. Murge
Adv. for Respondent No. 1 : Mr. S.G. Sangle
AGP for Respondents No. 2 and 3 : Mr. S.J. Salgare
...

WITH CA/14986/2017 IN FAST/14891/16

CORAM : K.K. SONAWANE, J.

DATED : 14th DECEMBER, 2017.

Order :-

1. Heard learned counsel for the applicants - original claimants as well as learned counsel for respondent No. 1 and learned AGP for respondents No. 2 and 3.

2. Perused the application. The matter pertains to compensation of the award passed by learned Reference Court under section 18 of the Land Acquisition Act, 1894 for lands under acquisition. Learned counsel for respondent-Acquiring Body submits that Special Land Acquisition Officer has awarded compensation @ Rs. 700/- per R whereas Reference Court enhanced the compensation @ Rs. 4000/- per R approximately. In view of exorbitant compensation amount enhanced by the Reference Court, learned counsel for respondent - Acquiring Body submits that applicants - original claimants should not be allowed to withdraw the amount. However, in view of nature of

subject-matter, I find it appropriate to allow the applicants to withdraw some part of the amount deposited in this court.

3. Accordingly, application stands allowed. The applicants-original claimants are permitted to withdraw 50% of the amount deposited in this court on furnishing undertaking to the satisfaction of Registrar (Judicial) of this Court to the effect that in case adverse situation, if any, arises after adjudication of the appeal/s in favour of appellant-Acquiring Body, the applicant/s (original claimant/s) would refund the amount forthwith as per order of this Court. The another 25% of the amount deposited be allowed to be withdrawn by the applicants on furnishing one solvent surety of like amount and rest of the 25% balance amount be invested in the Fixed Deposit Receipts Account in Nationalized Bank for a period of two years or till adjudication of the appeals on merit, whichever is earlier. Registry to do the needful for disbursement of the amount as directed above.

4. The civil applications stand disposed of in above terms accordingly.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK.