

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

1003 CIVIL APPLICATION NO. 6437 OF 2017 IN
FA/3707/2016

ONKAR BHAUSAHEB WAGH
VERSUS
EXECUTIVE ENGINEER, MAJALGON CANAL DIVISION
NO.10 PARBHANI UNDER GMIDC AURANGABA

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Advocate for Applicant : Mr Bhise Vitthal D.
AGP for Respondents: Mr C V Dharurkar
Advocate for Respondents : Mr B. R. Surwase For R/1

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CORAM : V.K. JADHAV, J.
Dated: May 05, 2017

PER COURT :-

1. The learned counsel for the applicant submits that, the lands of applicants-agriculturists came to be acquired by the Government long back and they have not received the compensation at the enhanced rate so far. Learned counsel submits that, the applicants in other appeals, though from different award, for the same project are permitted by this court to withdraw part of the compensation on certain conditions. The applicants herein may also be permitted to withdraw the amount on the same conditions.

2. Learned counsel for respondent has not disputed this position.

3. In view of the above, the applicants are permitted to withdraw 80% of the amount deposited by the acquiring body in this appeal on furnishing an undertaking by the claimant that he will re-deposit the amount in the event of any adverse order passed against him, within the time which may be provided by this Court at the relevant time. The remaining 20% amount be invested in FDR for the period until disposal of the appeals.

4. Civil application for withdrawal of the amount stands disposed of.

(V.K. JADHAV, J.)

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