

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

CIVIL APPLICATION NO.407 OF 2018
IN
FIRST APPEAL NO.3860 OF 2017

Mahadeo Kashinath Sakhare died,
through his L.Rs. Siddharth and anr.

..Applicants

Versus

The State of Maharashtra and ors.

..Respondents

Mr L.C. Patil, Advocate for applicants

Mrs V.N. Patil Jadhav, AGP for respondent no.1

Mr S.C.Arora, Advocate for respondents no.2 and 3

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVALA, JJ**

Date : 9th March 2018

PER COURT

1. The appeal filed by the acquiring body against the order under Section 18 of the Land Acquisition Act is admitted. Pursuant to the order passed by this Court, the acquiring body has deposited the amount under reference. The learned Counsel for the acquiring body submits that exorbitant compensation has been awarded by the reference Court. The award under earlier reference is blindly relied by the reference Court while enhancing the compensation. The sale-deed of small piece of land is considered.

2. While considering the claim of the applicants, the interest of the acquiring body will also have to be considered. It appears that at the time of granting enhanced compensation, the deduction on account of development has not been considered. Considering the above, we pass the following order:

(a) The applicants are permitted to withdraw 25% amount on furnishing undertaking to this Court to the effect that in the event, the applicants are directed to deposit the amount withdrawn, the applicants shall deposit the amount within one month.

(b) The applicants are allowed to withdraw 25% amount by furnishing solvent surety of the like amount.

(c) The applicants are further allowed to withdraw 25% amount by furnishing Bank guarantee of any Scheduled Bank.

(d) Remaining amount of 25% be kept in the Nationalised Bank.

3. Civil Application disposed of.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

vvr