

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

CIVIL APPLICATION NO. 2941 OF 2018
IN
FIRST APPEAL NO. 1898 OF 2016

Dnyanoba Piraji Ainile

.. Applicant

versus

The State of Maharashtra and another .. Respondents

Mr. Gajanan K. Sontakke, Advocate for applicant

Mr. A. M. Phule, Assistant Government Pleader
for respondent no. 1

Mr. D. V. Soman, Advocate for respondent no.2

CORAM : SUNIL P. DESHMUKH, J.

DATE : 4th April, 2018

ORDER :

1. Heard learned counsel for the applicant and learned Assistant Government Pleader for respondent no. 1.

2. Learned counsel for applicant submits that the applicant is in dire need of compensation amount. Land has been acquired way back in 1995-96. Since then, he has been deprived of the income of the acquired land. The amount of compensation although has been enhanced by the reference court yet, its non-receipt at his end at proper time, with the

increase in land prices, had not made it possible to purchase equivalent land with the aid of awarded amount making alternate arrangement for earning income. Thus, he submits applicant's daily living is becoming difficult now.

3. Learned Assistant Government Pleader resists the application, submitting that the land acquisition compensation enhanced by reference court is excessive and exorbitant. Evidence may not support the enhancement granted. He, therefore, purports to oppose the request under the application.

4. However, looking at that since 1995-96, land of the applicant - claimant has been acquired and beyond the amount under the award by special land acquisition officer he has not been in receipt of any other amount, it would be expedient to allow the applicant to withdraw amount deposited in this court along with interest accrued thereon.

5. As such, following order ;

(i) The applicant may withdraw a sum of Rs. 4,00,000/- by furnishing undertaking that in the event appeal is decided adverse to his interest, he would pay

back / deposit the amount being withdrawn within a period of three months from the date of decision in the appeal.

(ii) Rest of the amount of Rs.6,351/- with interest may be allowed to be withdrawn by applicant on furnishing solvent surety to the satisfaction of the Registrar (Judicial) of this court.

7. With aforesaid, civil application is disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd/-