

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

Ganapati Krishna Jadhav and Others                                          APPLICANTS  
VERSUS  
The Executive Engineer, MID Osmanabad & Ors.      RESPONDENTS

Mr. Mahendra B. Kolpe, Advocate for the applicants  
Mr. S. G. Sangle, Advocate for respondent No.1  
Mr. A. M. Phule, AGP for respondent No.2 - State

**[CORAM : SUNIL P. DESHMUKH, J.]**  
**DATE : 16<sup>th</sup> MARCH, 2018**

**ORDER :**

1. Heard learned advocate for the applicants. He submits that entire land of the applicants has been acquired and compensation granted by reference court is not pursuant to prevailing market conditions and the demand of the applicants. A far less amount has been awarded by the reference court and cross objection has already been filed by the applicants challenging the award. He submits that the applicants have been virtually rendered landless and thus have no source of livelihood. Land of the applicant has been acquired in 2001 and the applicants have lost possession in 2005. Since then, the applicants have been living in pitiable condition. He, therefore, urges to allow the applicants to withdraw the amount deposited

in this court by the appellant - acquiring body.

2. Learned advocate for the acquiring body submits that compensation granted by the reference court is on far steeper side and the applicants may not be entitled to the rate as appearing under the award of the reference court. He purports to refer to that appreciation of matter had not been proper by the reference court.

3. However, looking at the circumstances that the land of the applicants has been acquired in 2001 and they have lost possession in 2005 and since then beyond the compensation under award by the Special Land Acquisition Officer no further amount has been paid to the applicants and the applicants claim to have left with no source of livelihood. Ends of justice can be met with by letting the applicants withdrawal of 50% of the amount deposited in this court with accruals, subject to filing of an undertaking to the effect that the applicants would deposit the amount so withdrawn in case decision in appeal goes against their interest, within a period of three months therefrom.

4. Civil application stands disposed of.

**[SUNIL P. DESHMUKH, J.]**