

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

931 CIVIL APPLICATION NO. 6992 OF 2018
IN FA/2164/2016 WITH CA/6748/2018 IN FA/2165/2016 WITH
CA/6993/2018 IN FA/2166/2016 WITH CA/6985/2018 IN FA/2167/2016 WITH
CA/6986/2018 IN FA/2168/2016 WITH CA/6987/2018 IN FA/2169/2016 WITH
CA/6981/2018 IN FA/2170/2016 WITH CA/6982/2018 IN FA/2171/2016 WITH
CA/6984/2018 IN FA/2172/2016 WITH CA/6989/2018 IN FA/2174/2016 WITH
CA/6990/2018 IN FA/2175/2016

MAHADEO BHASKAR SHINDE
VERSUS
THE EXECUTIVE ENGINEER, IRRIGATION PROJECT STRENGTHENING DIVN,
OMERGA AND ORS

...
Advocate for Appellants : Mr. L.C. Patil, Advocate h/f. Mr. R.K. Temkar.
Adv. for respondents : Mr. Gulab B. Rajale

CORAM : K.K. SONAWANE, J.
DATE : 21st JUNE , 2018.

PER COURT:

Heard the learned counsel for the applicants and learned counsel Mr. Rajale for the respondent acquiring body.

2] Perused the applications and the impugned judgment and award passed by the trial court. Admittedly, the Land Acquisition Officer has offered compensation ranging from Rs. 430 to 520 per R for dry land. However, appreciating the evidence on record, the learned Reference Court arrived at the conclusion that the lands under acquisition are seasonally irrigated/bagayat land and award Rs. 8887 per R for perennially irrigated and Rs. 6666 per R for seasonally irrigated land and Rs. 2200 for pot kharab.

3] Apparently, it is evident that the learned Reference Court awarded compensation more than 4 times of the market value determined

by the Land Acquisition Officer. In such circumstances, it would not just and proper to allow the claimants for withdrawal of entire decretal amount. However, as agricultural lands of the claimants were acquired for public purposes. it would reasonable to allow the applicants/claimants for withdrawal of some of the part of compensation amount, deposited by the acquiring body in this court. Definitely, it would sub-serve the purpose in the interest of justice.

4] Accordingly, the application stands partly allowed. The applicants/claimants are permitted to withdraw 50% of the total amount of compensation deposited by the acquiring body in this court, with interest accrued thereon, subject to condition that the applicants shall furnish an undertaking to this court that they would refund the amount so withdrawn in case of any contingency arises in the appeal. The applicants are further allowed to withdraw 25% of the rest of the balance amount alongwith interest accrued thereon, on furnishing solvent surety/security of like amount, to the satisfaction of the Registrar (Judicial) of this court. The remaining balance decretal amount be deposited in any Nationalized bank in a fixed deposit initially for a period of two years or till decision of the appeal whichever is earlier, with liberty to renew the fixed deposit, if required.

5] Civil applications for withdrawal are accordingly disposed of.

[K.K. SONAWANE]
JUDGE.

grt/-