

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

...
CIVIL APPLICATION NO. 2775 OF 2018
IN
FIRST APPEAL NO. 1585 OF 2016

Sambhaji Irappa Reddy	... Applicant
Versus	
The State of Maharashtra and anr.	... Respondents

...

Mr. Santosh Patne, Advocate for applicant
Mr. A.D. Namde, AGP for Respondent state

...
CORAM : SUNIL P. DESHMUKH, J.

DATED : 2nd APRIL, 2018.

Order :-

1. Heard learned counsel for the parties.
2. Learned counsel for applicant states that land of applicant has been acquired way-back in 2002, depriving his source of livelihood. Since then beyond amount under award by special land acquisition officer applicant has not received any amount. Special land acquisition officer granted very meagre compensation amount to the land owner and land acquisition reference had been made. Land acquisition reference court has enhanced the compensation in respect of acquired land. The same has been deposited in this Court in the appeal filed by the State against award of the reference court. The applicant on one hand deprived of the land and source of income for his livelihood and on another, compensation which had not been paid, as had

been due. The applicant is waiting for the same since 2002. He submits that value of the amount increased day by day. Even amount awarded by the reference court would not regain the loss caused to the applicant. The applicant is in dire need of the amount. He, therefore, urges for withdrawal of the amount.

3. Learned AGP submits that compensation granted by the reference court is exorbitant and excessive. *Although*, he submits so, he is not in a position to dispute factual aspects referred to by applicants, in the circumstances, it would be expedient to allow the applicant to withdraw 50% of the amount deposited in this court along with accrued interest thereon subject to following conditions.

i) Applicant is allowed to withdraw 50% of the total deposited amount in this court along with accrued interest, on condition of furnishing undertaking that claimants shall pay back / re-deposit the amount being withdrawn under this order within a period of three months from the date of decision in appeal, if the decision goes adverse to his interest.

iii) Rest of 50% amount be invested in a nationalized bank.

4. Civil application accordingly stands disposed of.

[SUNIL P. DESHMUKH]
JUDGE

MTK.