

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

...

**CIVIL APPLICATION NO. 2771 OF 2018
IN
FIRST APPEAL NO. 1589 OF 2016**

Eknath Shivaji Reddy and anr.

... Applicants

Versus

The State of Maharashtra and anr.

... Respondents

...

Mr. Santosh Patne, Advocate for applicants

Mr. B.V. Virdhe, 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 applicants states that lands of applicants have been acquired way-back in 2002, affecting their source of livelihood. Since then beyond amount under award by special land acquisition officer applicants have not received any compensation. Special land acquisition officer granted very meagre compensation to the land owners and land acquisition references had been made. Land acquisition reference court has enhanced the compensation in respect of acquired lands. The

same has been deposited in this Court in the appeal filed by the State against award of the reference court. The applicants on one hand are deprived of the lands and source of income for their livelihood and on another, compensation which had not been paid as had been due. The applicants are waiting for the same since 2002. He submits that value of the money decreases day by day. Even amount awarded by the reference court would not retrieve the loss caused to the applicants. The applicants are in dire need of the money. 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 applicants to withdraw the amount deposited in this court along with accrued interest thereon as under :-

- i) Applicants are 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accrued interest, on condition of furnishing undertaking that claimants shall pay back / re-deposit the amount being withdrawn under this order within a period of three months from the date of decision in appeal, if the decision goes adverse to their interest.

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

4. Civil application accordingly stands disposed of.

[SUNIL P. DESHMUKH]
JUDGE

MTK.