

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

CIVIL APPLICATION NO. 2773 OF 2018
IN FA/1588/2016

SANTOSH NAGNATH MORE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Mr. Santosh N. Patne , Advocate for Applicants
Mr. A.M. Phule, AGP for Respondents

CORAM : SUNIL P. DESHMUKH, J.

DATED : 23rd MARCH, 2018.

Order :-

1. Heard learned counsel for the applicants. He submits that even before notification under section 4 of the Land Acquisition Act, 1894 had been issued in 2004, in 2001, possession of land had been taken over by the acquiring body. Since then the claimants are deprived of their source of livelihood and are living in pitiable economic condition. They have not received anything beyond the amount granted by special land acquisition officer and they are in need of amount. He submits that amount deposited in this court is very meagre going by the present rate of land and would hardly be able to meet their requirements. Therefore, he urges to grant withdrawal of the amount.

2. Learned AGP submits that just and fair compensation had been granted by special land acquisition officer and there has

been two fold increase which is not compatible with the evidence on record. He, therefore, purports to resist the application.

3. However, looking at that amount of Rs. 58,045/- has been deposited and the claimants are deprived of their source of livelihood and are living in pitiable economic condition, it would be expedient to let them withdraw amount deposited on condition of furnishing undertaking that claimants shall pay back / re-deposit the amount being withdrawn under this order within a period of three months from the date of decision in appeal, if the decision goes adverse to their interest.

3. As such, the application is allowed. The applicants are allowed to withdraw the amount deposited on condition of furnishing undertaking that claimants shall pay back / re-deposit the amount being withdrawn under this order within a period of three months from the date of decision in appeal, if the decision goes adverse to their interest.

4. Civil application is accordingly disposed of.

[SUNIL P. DESHMUKH]
JUDGE