

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

CIVIL APPLICATION NO. 2777 OF 2018
IN FA/1584/2016

LAXMAN IRAPPA REDDY
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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

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

DATED : 23rd MARCH, 2018.

Order :-

1. Heard learned counsel for the applicant. 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 claimant is deprived of his source of livelihood and is living in pitiable economic condition. He has not received anything beyond the amount granted by special land acquisition officer and he is 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 his 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. 9,16,822/- has been deposited and the claimant is deprived of his source of livelihood and is living in pitiable economic condition, it would be expedient to let him withdraw amount deposited on condition of furnishing undertaking that claimant shall pay back / re-deposit the amount being withdrawn under this order within a period of three months from the date of decision in appeal, if the decision goes adverse to their interest.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. As such, the application is allowed on 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accrued interest, on condition of furnishing undertaking that claimants shall pay back / re-deposit the amount being withdrawn under this order within a period of three months from the date of decision in appeal, if the decision goes adverse to their interest.

ii) Further 50% of the total amount with accrued interest is allowed to be withdrawn by the claimant subject to furnishing solvent surety to the satisfaction of Registrar (Judicial) of this court.

4. Civil application is accordingly disposed of.

[SUNIL P. DESHMUKH]
JUDGE

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

2. **Learned AGP submits that going which position has been granted there has been two steps enhance which may not be completable evidence.** He, therefore, purports to resist the application. However, looking at that amount of Rs. 9,16,822/- has been deposited. It would be expedient to let the applicant to withdraw amount deposited along with accrued interest on following conditions:

3. As such, the application is allowed.

- 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 / 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) Further 50% of the total amount with accrued interest is allowed to be withdrawn by the claimants subject to furnishing solvent surety to the satisfaction of Registrar (Judicial) of this court.

4. Civil application is accordingly disposed of.