

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

CIVIL APPLICATION NO. 3021 OF 2018
IN
FIRST APPEAL [STAMP] NO. 8491 of 2017

Vijaykumar Narayan Patil and others .. Applicants
versus
The State of Maharashtra and others .. Respondents

WITH
CIVIL APPLICATION NO. 3022 OF 2018
IN
FIRST APPEAL [STAMP] NO. 8496 OF 2017

Vasudeo Laxman patil .. Applicant
versus
The State of Maharashtra and others .. Respondents

WITH
CIVIL APPLICATION NO. 3023 OF 2018
IN
FIRST APPEAL [STAMP] NO. 8485 OF 2017

Vitthal Vinayak Patil and another .. Applicant
versus
The State of Maharashtra and others .. Respondents

WITH
CIVIL APPLICATION NO. 3024 OF 2018
IN
FIRST APPEAL [STAMP] NO. 8289 OF 2017

Vijaykumar Narayan Patil .. Applicant
versus
The State of Maharashtra and others .. Respondents

Mr Babasaheb A. Dhengle, Advocate for applicants
Mr. A. M. Phule, Asstt.Govt.Pleader for respondent 1
Mr. S. G. Sangle, Advocate for respondent no. 3

CORAM : SUNIL P. DESHMUKH, J.

DATE : 13th April, 2018

ORDER :

1. Heard learned counsel for the parties.
2. Learned counsel for applicants submits that applicants' agricultural lands have been acquired long back about 17 years before. Since then, apart from paltry amount awarded by the special land acquisition officer, applicants have not received anything. Learned counsel submits that had land acquisition compensation been paid on the date of notification as determined by land acquisition reference court, perhaps, applicants would have been in a position to create an income earning source for themselves, however, the same has been determined after a long lapse of period. With the value of rupee diminishing and compensation being now awarded by the land acquisition reference court, it is very difficult for applicants to create source of income.
3. Aforesaid apart, it is being submitted, in the circumstances, applicants' economic condition has gone down. Applicants have become old persons. They require frequent medical treatment which is expensive. Applicants thus are in acute need of money for medical expenses as well as to meet their day to day expenses.

4. According to learned counsel even the reference court has not granted compensation as demanded and the same is far less than is reasonably due to them. He, therefore, urges for withdrawal of the amount.

5. After hearing learned counsel for parties, there does not appear any particular dispute over that present set of applications for withdrawal of amount is concerned with acquisition of lands from same place as involved in first appeal no. 3032 of 2015 referred to above. Notification for acquisition of land is same, project is same, tract of lands acquired is also same. Even quality, fertility and yielding capacity is stated to be same.

6. Learned counsel for acquiring body submits that order on parity may be passed in present applications pursuant to the order dated 11-01-2016 passed in civil application no.16501 of 2016 in first appeal no.3032 of 2015 referred to hereinbefore.

7. He submits that in present mattes, land acquisition reference court had passed an order of enhancement of compensation taking into account the land acquisition reference awards passed in various land acquisition references which are subject – matter of first appeal no.3032 of 2015 and companion first appeals.

8. Learned counsel for respondent no. 3 – acquiring body-appellant in first appeal, tenders across order dated 11-01-2016 passed in civil application no. 16501 of 2015 in first appeal no. 3032 of 2015 and companion matters.

9. Learned counsel for applicants, however, submit that applications can be considered independently and may be present case is not exactly similar case as in the matters referred to by learned counsel for acquiring body and, therefore, independent and separate orders can be passed in present set of matters.

10. It may thus be expedient that present applications be considered on same line since the lands in present matter and those in first appeal no. 3032 of 2015 and companion matters are of same tract.

11. I am, therefore, inclined to pass similar order as passed on 11-01-2016 in civil application no. 16501 of 2015 in first appeal no.3032 of 2015 and companion matters referred to above.

12. As such, following order :

- (i) Claimants may withdraw an amount of Rs.2.2 lakh per hectare without any security on furnishing undertaking to the satisfaction of the Registrar (Judicial) to the effect that the amount being withdrawn by them would be paid back / deposited by them in this court within a period of three months

from the date of decision in the appeal, if it goes adverse to their interest.

(ii) Further twenty five per cent of deposited amount may be withdrawn by applicants on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this court.

13. Rest of the amount lying deposited in this court may be invested in a nationalized bank earning interest.

14. Civil applications are disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd