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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3251 OF 2018
IN
FIRST APPEAL NO.1994 OF 2016

Gendeo Keshav Patil

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

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Mr. Laxmikant C. Patil, Advocate for the applicant

Mr. A. M. Phule, AGP for respondent - State

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[CORAM : SUNIL P. DESHMUKH, J.]**DATE : 16th MARCH, 2018****ORDER :**

1. Heard learned advocate for the applicant. He submits that his 60 Are land has been acquired for percolation tank at village Korewadi. Notification for acquisition of the land had been issued in 1994 and award had been passed by Special Land Acquisition Officer in 1996. Since then, beyond the amount paid under the award of the Special Land Acquisition Officer, the applicant has not received any amount. He submits that even otherwise as on the date value of the compensation has been depleted with the passage of time. He, therefore, urges to allow the application for withdrawal of entire amount.

2. Learned AGP submits that the enhancement of compensation under the reference has been on higher side than due and may not be that the applicant would be entitled to the compensation as awarded by the reference court.

3. However, looking at that from 1996 the applicant has not received anything and is entitled to higher amount, it would be expedient in the facts and circumstances of the case to allow the applicant to withdraw the amount along with interest accrued thereon. As such, applicant is allowed to withdraw 50% of the amount on furnishing an undertaking to the effect that he would deposit the amount within a period of three months in case appeal is decided against his interest and rest of the 50% amount be allowed to be withdrawn on furnishing solvent security to the satisfaction of the Registrar (Judicial).

4. Civil application stands disposed of.

[SUNIL P. DESHMUKH, J.]