

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

...

**CIVIL APPLICATION NO. 4121 OF 2018
IN
FIRST APPEAL NO. 1991 OF 2018**

Yeshwant Bhimrao Mote Patil

... Applicants

Versus

The State of Maharashtra and another

... Respondents

...

Mr. L.C. Patil, Advocate for applicants

Mr. A.M. Phule, AGP for respondents.

...

CORAM : SUNIL P. DESHMUKH, J.

DATED : 23rd MARCH, 2018.

Order :-

1. Heard learned advocate for applicant. He submits that his 1 *hectare*, 25 *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 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 enhancement of compensation under the reference has been on higher side than due and may not be that the applicant would be entitled to compensation as awarded by the reference court.

3. However, looking at that from 1996 the applicant has not received anything and under award of reference court has granted 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a period of three months in case appeal is decided against his interest and rest of the 50% amount be allowed to be withdrawn on furnishing solvent security to the satisfaction of the Registrar (Judicial).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.

Sd/-
[SUNIL P. DESHMUKH]
JUDGE

MTK.