

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

CIVIL APPLICATION NO. 3520 OF 2018  
IN  
FIRST APPEAL [STAMP] NO. 850 OF 2017

Sushilabai Pandharinath Ambore ... Applicants

versus

The State of Maharashtra and others ... Respondents

WITH  
CIVIL APPLICATION NO. 3521 OF 2018  
IN  
FIRST APPEAL NO. 848 OF 2017

Baliram Waman Bide and others ... Applicants

versus

The State of Maharashtra and others ... Respondents

WITH  
CIVIL APPLICATION NO. 3533 OF 2018  
IN  
FIRST APPEAL NO. 849 OF 2017

Ganesh Madukarrao Divate (Khire)  
and others ... Applicants

versus

The State of Maharashtra and others ... Respondents

-----

Mr. Vilas M. Humbe, Advocate for applicants  
Mr. A. D. Namde, Assistant Government Pleader for respondents

CORAM : SUNIL P. DESHMUKH, J.  
DATE : 9th March, 2018

ORDER :

1. Heard learned counsel for the applicants and learned Assistant Government Pleader for respondents.

2. Learned counsel for applicant submits that lands of the applicants have been acquired way back in 2005 and the applicants have received meagre amounts under the award passed by the Special Land Acquisition Officer. Same has been enhanced by land acquisition reference court, however, the State is before this court challenging decision in land acquisition references in present first appeal and has also obtained interim relief staying execution of the award. In the circumstances, applicants are not in a position to receive the amounts due to them under the award. Though the award does not grant true value of the lands yet, the amounts awarded are required by the applicants for their livelihood, needs of the family and repayment of loans taken. Learned counsel, therefore, urges to allow the applicants to withdraw the amounts deposited in this court.

3. Learned Assistant Government Pleader, however, resists the request, contending that land acquisition reference court has hugely enhanced compensation which may not be in tune with position prevailing then on the date of notification for acquisition. He, therefore, submits that the applications may not be entertained.

4. Applicants' lands have been acquired and they are land-losers and for livelihood they require amounts. This particular aspect would not be doubted, may be given its due. In the circumstances, it is deemed expedient to allow the applicants to withdraw seventy five percent of the amount deposited in this court by the appellants.

5. As such, following order:

(A) Applicants be allowed to withdraw fifty per cent of the amount referred to in the prayer clauses of their civil applications from their respective shares on furnishing undertakings to the satisfaction of the Registrar (Judicial) of this court to the effect that in the event first appeals are decided against their interests, amounts being allowed to be withdrawn on undertakings would be paid back / deposited by them in this court within a period of three months from the date of decisions in the appeals.

(B) Twenty five per cent of the amount as referred to in respective civil applications according to the shares of the applicants be allowed to be withdrawn on furnishing bank guarantee by them of nationalized bank or scheduled bank.

6. Civil applications stand disposed of.

SUNIL P. DESHMUKH,  
JUDGE

pnd