

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

**CIVIL APPLICATION NO. 3746 of 2018 IN
FIRST APPEAL No. 17100 of 2017**

Keshav Janardhan Varpe ...APPLICANT
VERSUS
 The State of Maharashtra and others ...RESPONDENTS

WITH
CIVIL APPLICATION NO. 3747 OF 2018 IN
FIRST APPEAL (STAMP) NO. 17215/2017
WITH
CIVIL APPLICATION NO. 3748 OF 2018 IN
FIRST APPEAL (STAMP) NO. 17212 OF 2017
WITH
CIVIL APPLICATION NO. 3750 OF 2018 IN
FIRST APPEAL (STAMP) NO.17221 OF 2017
WITH
CIVIL APPLICATION NO. 3752 OF 2018 IN
FIRST APPEAL (STAMP) NO. 17218 OF 2017

Mr V.P. Latange, Advocate for applicants in all applications.
Mr A.D. Namde, Asstt. Govt. Pleader for Respondents.

CORAM : SUNIL P. DESHMUKH, J.

DATE : 6th April 2018

ORDER :

Heard learned Counsel for the parties.

2. This is an application filed for withdrawal of amount.
3. Learned Counsel for applicants submits that the notification under Section 4 of the Land Acquisition Act was published in 2001 and the Special Land Acquisition Officer had granted compensation at the rate of Rs. 1305/- per Are in the year 2006 and the same has been enhanced to Rs. 1,12,500/- per

acre i.e. Rs. 2812/- per *Are* by the Reference Court. Learned Counsel for the applicants submits that due to acquisition of the land since 2001, their income source has been affected. Very meagre amount for acquisition of his land under award passed by Land acquisition Officer had been paid to them in the year 2006. Beyond that amount, applicants have not received anything. Had determined compensation amount in Land Acquisition Reference been paid to applicants immediately on acquisition, they would have been in a position to create alternate source of income. However, it could not be paid to them. Learned Counsel for applicants further submits that because of non-payment of compensation amount, financial condition of applicants became precarious. Applicants require compensation amount urgently.

4. Learned Assistant Government Pleader for the respondents submits that the Reference Court has enhanced compensation amount on very high side and evidence may not be able to support such high rate of compensation for the lands acquired. He, therefore, submits that request made under applications may not be accepted.

5. Although, learned Counsel for respondents has submitted so, applicants' lands have been acquired vide notification published in 2001 and applicants did not receive anything beyond the amount awarded by the Special Land

Acquisition Officer in 2006. In the circumstances, it will be expedient to allow applicants to withdraw the amount deposited in this Court on following conditions:

(I) Applicants are allowed to withdraw 50% of total deposited amount in this Court alongwith accrued interest, on a condition of furnishing undertaking that applicant shall pay back /re-deposit the amount in this Court being withdrawn under this order, within a period of three months from the date of decision in appeal, if the decision goes adverse to his interest.

(II) Further 25% of the amount with accrued interest is allowed to be withdrawn by applicants subject to furnishing solvent surety to the satisfaction of the Court.

(III) Rest of 25% of the amount be invested in fixed deposit in a nationalized bank earning interest.

(IV) Civil Applications are accordingly disposed of.

**(SUNIL P. DESHMUKH)
JUDGE.**