

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

46 CIVIL APPLICATION NO. 4082 OF 2018 IN FA/4747/2017

NANASAHEB BUWASAHEB VEER (DIED) THR LRS PRATIKAH AND ORS
VERSUS
THE EX. ENGINEER, LIFT IRRIGATION DIV. OSMANABAD AND ORS

...
Advocate for Applicants : Mr. Ramraje A. Deshmukh
Advocate for Respondent No. 1 : Mr. S.G. Sangle
AGP for Respondents No.2 and 3: Mr. A.M. Phule

...
WITH CA/4079/2018 IN FA/4742/2017
WITH CA/4080/2018 IN FA/4750/2017
WITH CA/4081/2018 IN FA/4749/2017
WITH CA/4083/2018 IN FA/4746/2017
WITH CA/4084/2018 IN FA/4757/2017

**CORAM : K.K. SONAWANE, J.
DATED : 25th JUNE, 2018.**

Order :-

1. Heard learned counsel for appearing for parties.
2. Perused the applications. Mr. Sangle, learned counsel for respondent-acquiring body submits that the Reference Court without any evidence on record granted compensation amount in favour of the claimants. There was no evidence adduced on behalf of the claimants to show that the market value of acquired lands within the vicinity at the relevant time was @ Rs. 6000/- per R. He raised objection and submits that appellant has every hope of success in the appeal. Therefore, the applicants-original claimants cannot be allowed to withdraw the amount.
3. Admittedly, the lands of the claimants came to be acquired for the purpose of water storage tank on behalf of respondent-Acquiring Body. The SLAO offered compensation amount, but the same was not accepted by the claimants. Therefore, the matter came to be referred to the Reference Court under section 18 of the Land Acquisition Act, 1894 for determination of market value. The Reference Court on the basis of award passed in another Reference Petition arrived at the conclusion that market value of the present lands was Rs.6000/- per R.

The appellant - Acquiring Body put in question the market value assessed by the Reference Court in present appeals.

4. In view of compulsory acquisition of the lands of claimants for the purpose of water storage tank in present matter, I find it justifiable to allow the claimants to withdraw some portion of the compensation amount deposited in this court. Definitely, it would sub-serve the purpose in the interest of justice. Hence, the applications deserve to be allowed partly.

5. Accordingly, the civil applications are partly allowed. The applicants are permitted to withdraw 50% of the amount deposited in this Court on furnishing undertaking that they would refund the amount so withdrawn, as per directions of this Court, in case any contingency arises in these appeals. The applicants are further permitted to withdraw 25% of the balance compensation amount on furnishing solvent surety/security of like amount to the satisfaction of the Registrar (Judicial) of this Court. Rest of the balance compensation amount deposited in this court be invested in the Fixed Deposit Receipt in any Nationalized Bank for a period of two years or till disposal of the appeal, whichever is earlier with liberty to renew the same, if required.

6. The civil applications are disposed of accordingly.

Sd/-

[K. K. SONAWANE]

JUDGE

MTK.