

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

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990 CIVIL APPLICATION NO. 4130 OF 2018
IN FA/1892/2017

RAMSING MOTISING SURYWANSHI AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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Advocate for Applicants : Mr. Bide h/f Mr. Vitthal B. Wayal
AGP for Respondents No.1 to 3: Mr. A.D. Namde

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CORAM : SUNIL P. DESHMUKH, J.

DATED : 23rd MARCH, 2018.

Order :-

1. Heard learned counsel for the parties.
2. Learned counsel for applicants states that land to the extent of 1 Hectare, 20 *Are* had been acquired for percolation tank No. 7 of village Gaurpimpri Bhavani, Taluka Kannad, District Aurangabad. He submits that, as a matter of fact, land acquisition reference court ought to have fixed the rate payable to the claimants around of Rs. 5000/- per *Are*, but it had granted only rate Rs.1800/- per *Are* while same had been granted by special land acquisition officer only @ Rs.530/- per *Are*.
3. Learned AGP submits that, as a matter of fact, the rate of compensation is higher and exorbitant. Having regard to the extent of area such a rate is excessive. The evidence may not

indicate and support the rate at which compensation has been granted by reference Court. He, therefore, resists the application.

4. Learned advocate for the applicant submits that land was acquired in the year 2003 and its possession was taken over in the same year. Since then the applicants are deprived of the benefits of the land. Beyond the award amount by special land acquisition officer, the applicants have not received any further enhanced compensation. They require the amount so as to enable them to meet with day to day family needs. He, therefore, urges for withdrawal of the amount deposited in this court.

5. Having regard to aforesaid submission, it would be expedient to allow the applicants to withdraw the amount deposited in this court along with accrued interest on following conditions:

i) Applicants are allowed to withdraw 75% of the total amount deposited in this court along with accrued interest, on condition of furnishing undertaking that claimants shall pay back / re-deposit the amount being withdrawn under this order within a period of three months from the date of decision in appeal, if the decision goes adverse to their interest.

ii) Further 25% of the total amount with accrued

interest is allowed to be withdrawn by the claimants subject to furnishing solvent security to the satisfaction of Registrar (Judicial) of this court.

6. The civil application is accordingly disposed of.

Sd/-
[SUNIL P. DESHMUKH]
JUDGE

MTK.