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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4906 OF 2018
IN
FIRST APPEAL NO.1084 OF 2016

Babruwan Baliram Patil (Mule)

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

WITH
CIVIL APPLICATION NO. 4908 OF 2018
IN
FIRST APPEAL NO.1083 OF 2016

WITH
CIVIL APPLICATION NO. 4909 OF 2018
IN
FIRST APPEAL NO.1085 OF 2016

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Mr. P. A. Bhosle h/f Mr. A. B. Kale, Advocate for the applicants
Mr. A. D. Namde, AGP for respondent - State
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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 10th APRIL, 2018

ORDER :

1. Heard learned advocates for the parties.
2. It is submitted that the lands of the claimants had been acquired long back. Notification under section 4 of the Land Acquisition Act for acquisition of the lands had been issued in

1995. Special Land Acquisition Officer had passed award in 1999 and since then beyond compensation granted under the award of the special land acquisition officer, no further amount has been received by the applicants. The applicants have been deprived of their earning source and their legitimate dues in respect of compensation did not bear fruits. Land Acquisition References were decided in 2010. Even thereafter, appeals were not preferred in time by the State and those were belated, delay was condoned and the amount has been deposited in this court, pursuant to the award of Land Acquisition Reference Court.

3. It is submitted that had the due compensation been paid immediately after acquisition of the lands, perhaps, the applicants could have created an alternate income earning source. However, due amount has come rather too late and value of money being decreasing day by day, with the present amount it is difficult even to create as much source of livelihood as would have been possible, had the compensation been paid immediately. Economic condition of the applicants and their families, in the process has been hit and has become precarious. The families need the amount for various purposes, including for day to day needs. Learned advocate, during the course of submissions, adverts to the Government Decision which

stipulates that if the award of compensation granted by the land acquisition reference court is not more than four times than the rate of ready reckoner on the date of the notification, appeals may not be filed or if filed may not be prosecuted and be withdrawn. It is, therefore, submitted that the applicants be allowed to withdraw the amount of compensation deposited in this court.

4. Learned AGP for the appellant – State submits that compensation granted by the reference court has been rather on higher side and the evidence may not be able to sustain such an excessive compensation. It is being submitted that the State may not be liable to pay the amount of compensation as granted under the award by the reference court.

5. Looking at aforesaid that lands of the claimants had been acquired around 1995 and award had been passed in 1999 and beyond amount granted by special land acquisition officer, no further amount has been paid to the claimants and looking also at that the land holdings of the claimants appear to be not beyond five acres and it is claimed that land was the only income source for the claimants, in the circumstances, it may be expedient to allow the applicants to withdraw the amount

deposited in this court with the accruals thereon on the following conditions-

I. The applicants are allowed to withdraw 50% of the amount deposited by the appellant – State along with accruals thereon, on furnishing an undertaking to the effect that in case the appeals are allowed, the applicants would deposit the amount so withdrawn within a period of three months from the date of such decision.

II. Balance 50% of the amount deposited by the appellant – State along with accruals be allowed to be withdrawn by the applicants on furnishing solvent security to the satisfaction of the Registrar (Judicial).

6. Civil applications stand allowed and are disposed of accordingly.

[SUNIL P. DESHMUKH, J.]