

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

CIVIL APPLICATION NO. 4623 OF 2018
IN
FIRST APPEAL NO. 5212 OF 2017

Mathurabai Ramdas @ Ramrao Atole .. Applicant

versus

The Executive Engineer,
Lift Irrigation Division, Osmanabad
and another .. Respondents

Mr. N. D. Kendre, Advocate, holding for Mr. Dayanand M. Hange,
Advocate for applicant

Mr. S. D. Dhongde, Advocate for respondent no.1

Mr. B. V. Virdhe, Asstt. Govt. Pleader for respondent no. 2

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

ORDER :

1. Heard learned counsel for the parties.
2. Learned counsel for applicant submits that her four acre road side land has been acquired under notification issued in 1991. The award had been passed by the special land acquisition officer granting compensation only of Rs.62,400/-. Compensation being grossly inadequate and the land being abutting road and yielding income since it is irrigated, land acquisition reference had been filed by applicant – claimant and the reference court although has not enhanced compensation to

the expectation of the applicant, had granted it at the rate of Rs.60,000/- per acre with statutory benefits. She has been deprived of her valuable income source from 1996 and beyond the amount under award by special land acquisition officer she has not received any further amount. She is growing old and it is difficult to go on with day to day life without due compensation being paid. He submits that had the amount been paid timely, applicant could have made alternate source of income, however, amount under compensation is not being realized.

3. Learned counsel for respondent-acquiring body and learned Assistant Government Pleader though resist are not in a position to dispute acquisition of land in 1991, award being passed by special land acquisition officer in 1996 and except amount under said award applicant having not received any further amount. They submit that rate of compensation granted is rather on steeper side and appears to be excessive and, as such, appellant – acquiring body may not be liable to pay the rate at which compensation is granted by reference court.

4. Although respondents submit so, having regard to that applicant is a woman, her land is acquired way back in 1991 amount of compensation has been enhanced, it would be

expedient to allow the applicant to withdraw the amount deposited in this court as under :

(I) Applicant be allowed to withdraw fifty per cent of the amount deposited in this court with interest accrued thereon on filing undertaking to the satisfaction of the Registrar (Judicial) of this court that in the event decision in the first appeal goes adverse to her interest, she would pay back / deposit the amount being withdrawn pursuant to this order in this court within a period of three months from the date of decision in the appeal.

(II) Applicant may withdraw further twenty five per cent of the remaining part of deposited amount on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this court.

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

5. Civil application is accordingly allowed and is disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd