

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

**CIVIL APPLICATION NO. 4687 OF 2018
IN
FIRST APPEAL NO. 3384 OF 2016**

Balasaheb Dattatraya Mairan	.. Applicant
Versus	
GMIDC Through the Executive Engineer, Lift Irrigation Division, Osmanabad and others	.. Respondents

Shri R. R. Mantri, Advocate for the Applicant.
Mrs. Kalpalata Patil Bharaswadkar, Advocate for the
Respondent No. 1.
Shri P. G. Borade, A.G.P. for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.
DATE : 13TH APRIL, 2018.**

FINAL ORDER :

. The acquiring body has filed appeal against the judgment and award passed by the Reference Court enhancing the compensation amount awarded by the Special Land Acquisition Officer.

2. In this appeal, this Court had directed the acquiring body to deposit the amount as per the judgment and award passed by the Reference Court. The said amount is deposited. The

applicant has filed present application for withdrawal of the amount.

3. Mr. Mantri, the learned advocate for the applicant submits that, the Reference Court has awarded the compensation amount at the rate of Rs. 15,000/- per R for jirayat land and Rs. 30,000/- per R for bagayat land. The compensation is awarded on lower side. The present applicant has also filed appeal against the said judgment and award. The appeal filed by the applicant is admitted. The sale instances were in respect of land for highest amount. The lands are situated within the municipal limits of the city. The Reference Court relied upon the judgment delivered in other references in respect of the same project.

4. Mrs. Bharaswadkar, the learned advocate for the acquiring body submits that, exorbitant compensation amount has been awarded by the Reference Court. The S. L. A. O. awarded compensation at the rate of Rs. 700/- to Rs. 1,000/- per R. The same is enhanced to Rs. 15,000/- and Rs. 30,000/- per R. The sale instance at Exhibit 26 is discarded, still higher amount of compensation is awarded.

5. It will be in nobody's interest to keep the amount idle. At the same time the interest of the acquiring body also will have to be safe guarded. All the contentions of respective parties will

have to be considered at the time of final disposal of the appeal.

6. Considering enhancement granted, we pass following order.

O R D E R

i) The applicant is allowed to withdraw 25% of the amount deposited by the acquiring body on submitting an undertaking to this Court that, in the event the appeal is allowed and this Court directs the applicant to deposit the amount, the applicant would deposit the same within a period of one month.

ii) The applicant is further allowed to withdraw 25% of the amount deposited on furnishing solvent security/surety of the like amount.

iii) The applicant is further allowed to withdraw 25% of the amount deposited on submitting bank guarantee of any nationalized/scheduled bank.

iv) The remaining 25% of the amount deposited shall be kept in fixed deposit of any nationalized bank.

v) The civil application is disposed of.

[A. M. DHAVALA, J.]

[S. V. GANGAPURWALA, J.]