

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

CIVIL APPLICATION NO. 4922 OF 2018
IN
FIRST APPEAL NO. 1338 OF 2017

Balasaheb Shamrao Pawar .. Applicants

versus

The Special Land Acquisition
Officer, Jaikwadi Project No.1,
Aurangabad, .. Respondent

WITH
CIVIL APPLICATION NO. 4923 OF 2018
IN
FIRST APPEAL NO. 1340 OF 2017

Manesh Balasaheb Pawar .. Applicants

versus

The Special Land Acquisition
Officer, Jaikwadi Project No.1,
Aurangabad, .. Respondent

CIVIL APPLICATION NO. 4924 OF 2018
IN
FIRST APPEAL NO. 1339 OF 2017

Ushabai Balasaheb Pawar .. Applicants

versus

The Special Land Acquisition
Officer, Jaikwadi Project No.1,
Aurangabad, .. Respondent

Mr. D. A. Bide, Advocate, h/f Mr. Vitthal B. Wayal, Advocate for applicants

Mr. A. M. Phule, Assistant Government Pleader for respondent

CORAM : SUNIL P. DESHMUKH, J.

DATE : 13th April, 2018

ORDER :

1. Applicants pray that they may be allowed to withdraw amount deposited by respondent -State in this court, along with interest accrued thereon, submitting that in absence of receipt of compensation amount they are facing acute financial difficulties. They lost their lands which were sources of income for them. Because of acquisition of their entire land, they have become landless. Their income source is taken away. As such, in absence of receipt of compensation amount, they have been unable to create any income source.

2. Learned Assistant Government Pleader though opposes, has not been able to dispute that entire land of the applicant has been acquired for percolation tank at Borsar, taluka Vaijapur, dist. Aurangabad, notification is issued in 2007 and award is passed by special land acquisition officer in 2010 granting compensation of Rs.3,12,000 at the rate of Rs.1300/- per Aar. On land acquisition references being filed by claimant, reference court has increased rate of compensation to Rs.3700/- per Aar against the claim for Rs.7500/- per aar by claimant. Applicants – claimants have not received amount pursuant to award by reference court.

3. Having regard to aforesaid, it would be expedient to allow respective applicants to withdraw seventy five per cent of the amount deposited along with accruals thereon on following conditions:

(i) Fifty per cent of the amount deposited in this court may be allowed to be withdrawn by applicants on furnishing undertaking to the satisfaction of the Registrar (Judicial) to the effect that the amount being withdrawn by them would be paid back / deposited by them in this court within a period of three months from the date of decision in the appeal, if it goes adverse to their interest.

(ii) Further twenty five per cent of deposited amount may be withdrawn by applicants on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this court.

7. Balance amount lying deposited in this court may be invested in a nationalized bank earning interest.

8. Civil applications are disposed of.

SUNIL P. DESHMUKH,
JUDGE

pnd