

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

**CIVIL APPLICATION NO. 5614 of 2018 IN
FIRST APPEAL (STAMP) NO. 8135 of 2014**

Shankarrao Nagorao Fadtale (died)
through legal representatives

...**APPLICANTS**

VERSUS

The State of Maharashtra and another

...**RESPONDENTS**

WITH

**CIVIL APPLICATION NO. 5615 of 2018 IN
FIRST APPEAL (STAMP) NO. 8138 of 2014**

Subhadrabai W/o Chandrakant Sagare (died)
through legal representatives

...**APPLICANTS**

VERSUS

The State of Maharashtra and another

...**RESPONDENTS**

WITH

**CIVIL APPLICATION NO. 5617 of 2018 IN
FIRST APPEAL (STAMP) NO. 8059 of 2014**

Prabhakar Yedudas Kale (died)
through legal representatives

...**APPLICANTS**

VERSUS

The State of Maharashtra and another

...**RESPONDENTS**

*Mr Rahul D. Khadap, Advocate for applicants in all applications
Mr A.D. Namde, Asstt. Govt. Pleader for respondents*

CORAM : SUNIL P. DESHMUKH, J.

DATE : 27th April 2018

ORDER :

These three applications are moved by claimants, whose lands have been acquired pursuant to notification under section 4 of the Land Acquisition Act in 1996. Their respective

holdings were 30 *are*, 21 *are* and 66 *are*. In 1998 the Special Land Acquisition Officer had granted them compensation at the rate of Rs. 25000/- per hectare. The Reference Court has enhanced the rate and has granted compensation at the rate of Rs. 48600/- per acre for land acquired in L.A.R. No. 102 of 2009 and L.A.R. No. 216 of 2003 and at the rate of Rs. 60,750/- per acre for land acquired in L.A.R. No. 186 of 2009 with statutory benefits. The applicants have not received compensation amount other than amount awarded by the Special Land Acquisition Officer under the award. The acquired lands were only source of income for their livelihood. It is the contention of the learned Counsel for the applicants that had determined compensation amount in Land Acquisition Reference been paid to applicants immediately on acquisition, they would have been in a position to create alternate source of income. Their income has been affected due to acquisition of the lands and their livelihood is at stake. In the circumstances, they are in dire need of amount for day to day expenses and medical treatment. It is therefore, urged that applicants be allowed to withdraw amount deposited pursuant to the order of this Court.

2. Learned Assistant Government Pleader Mr Namde, however, submits that enhancement in compensation amount by

the Reference Court has been exorbitant and more than four times of compensation awarded by the Special Land Acquisition Officer. The evidence on record may not bear such enhancement. He therefore, urged not to allow applicants to withdraw entire amount deposited in this Court.

3. Looking at the reasons in the application, need of the family and other aspects having not been seriously disputed, it would be expedient to allow applicants to withdraw fifty per cent of total deposited amount with interest accrued thereon. As such, applicants may withdraw fifty per cent of the deposited amount with accrued interest thereon, on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this court to the effect that in the event decision in first appeal is adverse to their interest, they would pay back / deposit the amount being withdrawn under this order in this Court within a period of three months from the date of decision in the appeal. Undertaking to be filed within a period of four weeks from today.

4. Applications are, accordingly, disposed of.

(SUNIL P. DESHMUKH)
JUDGE.