

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

920 CIVIL APPLICATION NO. 6685 OF 2018
IN FA/5213/2017 WITH FA/5212/2017

PRABHAKAR SHRIRANG ATULE
VERSUS
THE EXECUTIVE ENGINEER LIFT IRRIGATION DIVISION,
OSMANABAD AND ANR

...
Advocate for Applicant : Mr. V.B. Deshmukh Vivekanand B.
Advocate for Respondent No. 1 : Mr. S.D. Dhongade (Absent)
AGP for Respondent No 2: Mr. A.M. Phule

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CORAM : K.K. SONAWANE, J.

DATED : 8th JUNE, 2018.

Order :-

1. Heard learned counsel for the applicant and learned AGP for respondent No. 2. Learned counsel for respondent No. 1-Acquiring Body remained absent.
2. Present application has been moved by the applicant-original claimant for withdrawal of the decretal amount deposited in this court on behalf of the respondent-Acquiring Body.
3. According to learned AGP, the Special Land Acquisition Officer has offered Rs. 380/- per R as market value of the acquired land for the applicant, but the learned Reference Court has awarded Rs.1200/- per R i.e. 60000/- per Acre. The notification under section 4 of the Land Acquisition Act, 1894 was published in the year 1991 in this case. In view of market value within the vicinity in 1991, the amount awarded by the Reference Court is exorbitant and excessive and learned AGP raised objection for withdrawal of the amount.

4. Taking into consideration the submissions of learned AGP and reasons mentioned in the application, I do not find any impediment to allow the applicant to withdraw amount deposited in this case on certain conditions. It would sub serve the purpose in the interest of justice. It would not cause prejudice or injustice to other side.

5. The application is allowed. The applicant is allowed to withdraw 50% of the amount deposited in this court on furnishing undertaking to the effect that, in case, any adverse situation arises, the applicant would refund the entire amount so withdrawn forthwith as per the directions of this Court. The applicant is further allowed to withdraw 25% of the amount from rest of the amount on furnishing solvent surety of like amount. The rest of the balance amount be invested in the FDR account in any Nationalized Bank for a period of two years or till decision of the appeal, whichever is earlier. Registry to do the needful for disbursement of amount as mentioned above.

7. Accordingly, civil application stands disposed of in above terms.

Sd/-

[K. K. SONAWANE]
JUDGE

MTK