

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

**950 CIVIL APPLICATION NO.5735 OF 2018
IN FA/1908/2016**

HANUMANT TULJARAM GOJAMGUNDE (DIED)
THR LRS SHIVAJI HANUMANT GOJAMGUNDE ..Applicant
VERSUS
THE CHIEF OFFICER MAHARASHTRA HOUSING
AND AREA DEVELOPMENT, AURANGABAD
AND ORS ..Respondents

...

Advocate for Applicant : Shri T.M. Venjane;
Advocate for Respondent No.1 : Shri Sangmitra Wadmare;
AGP for Respondent No.2 – State : Shri A.M. Phule;

...

WITH

**CA/1787/2018 IN FA/1908/2016
CA/1789/2018 IN FA/1908/2016
CA/4758/2018 IN FA/1908/2016**

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CORAM : P.R. BORA, J.
Dated: October 05, 2018

PER COURT :

1. Heard the learned Counsel appearing for the respective parties.

2. The applicant is seeking withdrawal of amount of compensation deposited by the Acquiring Body in this Court. The learned Counsel for the Acquiring Body has opposed for permitting any such withdrawal stating that, the Reference

Court has arbitrarily enhanced the amount of compensation. The learned Counsel submitted that, when the SLAO had offered the compensation at the rate of Rs.3,00,000/- per hectare, the said has been enhanced by the Reference Court to Rs.50/- per sq. ft. The learned Counsel, in the circumstances, has prayed for not allowing the applicants for withdrawal of any amount.

3. I have perused the Judgment impugned in the present matter. In the impugned Judgment, the learned Reference Court has relied upon one earlier Judgment pertaining to the acquisition of the adjacent land and based on that has determined the market value of the subject land.

4. The learned Counsel for the applicant submitted that, the land is in the heart of the city and is N.A. land. This submission is disputed by the learned Counsel for the Acquiring Body.

5. After having considered the submissions so made, it appears to me that, the following order will meet the ends of

justice at this stage. Hence, the following order.

ORDER

- (i) The application is partly allowed.
- (ii) The applicant is permitted to withdraw 50% of the deposited amount on submitting an undertaking to the satisfaction of the Registrar of this Court. The balance 50% of the amount be invested in Fixed Deposit Receipt in any Nationalized Bank for the period of disposal of the appeal.
- (iii) Hearing of the Appeal is expedited.
- (iv) List the Appeal for final disposal after three weeks.
- (v) Record & Proceedings is already received.

(**PR. BORA, J.**)