

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

**CIVIL APPLICATION NO. 7325 OF 2017
IN FIRST APPEAL STAMP NO. 9773 OF 2016**

Soma Bhau Bobde and anotherApplicants

Versus

The Executive Engineer, Urdhawa
Pravara Dam Division, Sangamner,
Through GMIDC Aurangabad and another ...Respondents

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Mr. D.A. Bide, Advocate for applicants
Mr. S.G. Bhalerao, Advocate for respondent No. 1
Mr. A.D. Namde, AGP for respondent No. 2

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WITH CA/7326/2017 IN FAST/9779/2016
WITH CA/7327/2017 IN FAST/9767/2016
WITH CA/7328/2017 IN FAST/9776/2016

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**CORAM : SUNIL P. DESHMUKH, J.
DATED : 13th MARCH, 2018.**

Order :-

1. Heard learned counsel for parties.
2. Mr. Bide, learned counsel for applicants submits that compensation had been awarded at the rate of Rs.1200/- per Are by the special land acquisition officer while claimants had demanded compensation at the rate of Rs.3000/- per Are. Learned counsel points out that rate granted by reference court was only Rs.1700/- per Are enhancing the compensation only by Rs. 500/- per Are, which is far below the demand of applicants. Learned counsel submits that lands were fertile, were abutting the tank and would have in fact fetched more amount than which they had claimed. He further submits that due to acquisition of their lands, they became landless and source of their livelihood has been snatched away. He, therefore, seeks withdrawal of the amount.
3. Having regard to the fact that special land acquisition officer has granted Rs. 1200/- per Are and the same has been enhanced by learned reference court to Rs.1700/- per Are, and particularly, having regard to claim of the claimants that they became landless and have no source of income, it would be expedient to let the applicants to withdraw 75% of the amount from the amount deposited in this court

along with accrued interest thereon, subject to filing an undertaking to the effect that they will pay back / redeposit the amount in this court, if decision in the appeal/s goes against them within a period of three months from the date of decision.

4. Learned counsel for applicants submits that the applicants are hailing from place in Akole Taluka, Ahmednagar District, which is a tribal and remote area and it is difficult for them to collect the amount and to carry the same to their place in Akole Taluka. Execution proceedings have been filed in the court at Sangamner, it would facilitate to them, if the amount allowed to be withdrawn under the order of this court, is transmitted to the executing court for disbursement in the account of applicants-claimants.

5. Mr. Bhalerao, learned counsel for respondent-acquiring body has fairly acceded to such request.

6. As such, 75% of the amount along with interest accrued thereon, be transmitted to the executing court at Sangamner for disbursement in favour of applicants-claimants, on their personal identification.

7. In view of aforesaid, civil applications are partly allowed. The applicants are allowed to withdraw 75% of the amount from the amount deposited in this court along with interest accrued thereon, on furnishing undertaking in Executing Court at Sangamnagar to the effect that the amount being withdrawn under this order would be redeposited in this court within a period of three months from the date of decision in appeal/s, if the decision goes against them. Undertaking to be filed within four weeks from today. A copy of the same be furnished within two weeks.

8. Upon filing undertaking as directed, 75% of the amount deposited along with accrued interest thereon, be allowed to be withdrawn by them.

9. Civil applications are disposed of accordingly.

Sd/-

[SUNIL P. DESHMUKH]
JUDGE

MTK.