

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 CIVIL APPLICATION NO. 7606 OF 2018
IN FA/3573/2017

SK. NOOR S/O SK. SHABU

VERSUS

THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Applicant : Mr. D.A. Bide
holding for Mr. Wayal Vitthal B.
AGP for Respondents/State : Mr. A.M. Phule

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CORAM : K.K. SONAWANE, J.

DATE : 22nd JUNE, 2018

PER COURT :

1. Heard learned counsel for the applicant, learned counsel for the respondents-Acquiring Body as well as learned A.G.P. for the respondents-State. Perused the application.

2. This matter pertains to the compensation under the Land Acquisition Act, 1894. The respondent-Acquiring Body has deposited the compensation amount in this Court pursuant to the Award passed by the learned Reference Court filed under Section 18 of the Land Acquisition Act.

3. In view of the nature of subject-matter, it is not in dispute that the land of the applicant has already been acquired by the respondent-State of Maharashtra. Therefore, I do not find any impediment to allow the applicant-original claimant to withdraw the compensation amount on certain terms and conditions to protect the interest of respondent-Acquiring Body.

4. Accordingly, the application stands allowed. The applicant is permitted to withdraw 50% of the amount on furnishing an undertaking to the satisfaction of the Registrar [Judicial] of this Court, to the effect that in case adverse situation arises in the appeal, the applicant will refund the amount so withdrawn forthwith as per the directions of this Court. Rest of the 50% amount be allowed to be withdrawn on furnishing solvent security/surety of the like amount. Registry to do the needful for disbursement of amount as referred *supra*, in favour of the applicant. Application for withdrawal of amount stands disposed of accordingly.

(K.K. SONAWANE, J.)