

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 CIVIL APPLICATION NO. 7643 OF 2018
IN FA/4221/2016

DATTATRAYA GANGARAM GHODAKE

VERSUS

THE EX. ENGINEER, THROUGH THE COLLECTOR OSMANABAD
AND ORS

...

Advocate for Applicant : Mr. Deshmukh Vivekanand B.
AGP for Respondents/State : Mr. B.V. Virdhe

...

CORAM : K.K. SONAWANE, J.

DATE : 22nd JUNE, 2018

PER COURT :

1. Heard learned counsel for the applicant, 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. The learned counsel for the

respondent-Acquiring Body has offered Rs.605/- per Are, whereas the Reference Court has enhanced the compensation to the tune of Rs.24,000/- per Are, which is exorbitant and excessive.

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 some part of the compensation amount on certain terms and conditions in order to protect the interest of respondent-Acquiring Body.

4. Hence, the application is partly allowed. The applicant-original claimant is allowed to withdraw 50% of the deposited amount on furnishing undertaking to the effect that in case any adverse situation arises, applicant would refund the amount so withdrawn as per the directions of this Court. The applicant-original claimant further allowed to withdraw 25% of the balance decretal amount on furnishing bank guarantee of any Nationalized or Scheduled Bank and the remaining 25% balance amount be fixed in F.D.R. account in any Nationalized Bank for a period of two years or till decision of the First Appeal whichever is earlier.

5. Accordingly, application stands partly allowed in above terms.

(**K.K. SONAWANE, J.**)

SRM/22/6/18