

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**939 CIVIL APPLICATION NO. 7375 OF 2018
IN FA/2070/2016**

SANTOSH SUBHASH JADHAV
VERSUS
EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD UNDER G.M.I.D.C. AURANGABAD

WITH

**939 CIVIL APPLICATION NO. 7377 OF 2018
IN FA/2057/2016**

GANESH SUBHASH JADHAV
VERSUS
EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD UNDER G.M.I.D.C. AURANGABAD

Advocate for Applicants : Mr. V.B. Deshmukh
Advocate for Respondent No.1 : Mr. B.R. Surwase
AGP for Respondents/State : Ms. S.S. Raut

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CORAM : K.K. SONAWANE, J.

DATE : 14th JUNE, 2018

PER COURT :

Heard learned counsel for the applicants,
learned counsel for the respondent-Acquiring Body as
well as learned A.G.P. for the respondent-State.
Perused the application.

2. Both these matters pertains to the compensation under the Land Acquisition Act, 1894. The respondent-Acquiring Body has deposited the compensation amount in this Court. The learned counsel for the respondent-Acquiring Body has offered Rs.1,610/- per Are, whereas the Reference Court has enhanced the compensation to the tune of Rs.15,000/- per Are, which apparently on the face of record seems to be exorbitant and excessive.

3. In view of the nature of subject-matter, it is not in dispute that the land of the applicants was acquired by the respondent-State of Maharashtra. Therefore, I do not find any impediment to allow the applicants-original claimants 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, both the applications are partly allowed. The applicants-original claimants are allowed to withdraw 50% of the deposited amount on furnishing undertaking to the effect that in case any adverse situation arises, applicants would refund the amount so withdrawn as per the directions of this Court to the satisfaction of Registrar [Judicial] of this Court. The applicants/original claimants are further allowed to withdraw 25% of the balance amount on

furnishing bank guarantee of any Nationalized or Scheduled Bank and rest of the remaining 25% 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.)