

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

CIVIL APPLICATION NO. 7824 OF 2018 IN FAST/6519/2017

KIRAN BABURAO SURAYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...
Advocate for Applicant : Mr. G. K. Sontakke.
AGP for Respondent No.1 : Mr. P. G. Borade.
Advocate for Respondent No.2 : Mr. A. V. Soman.
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CORAM : K.K. SONAWANE, J.

DATED : 3rd JULY, 2018.

Order :-

1. Heard Mr. Sontakke, learned counsel for applicant-original claimant and Mr. Soman, learned counsel for respondent – Acquiring Body. Mr. Borade, learned AGP on behalf of respondent State is present. Perused the application and relevant documents on record.
2. The present application is moved by the applicant seeking permission to withdraw the entire decretal amount deposited in this Court on behalf of the respondent- Acquiring Body.
3. It has been submitted that the Special Land Acquisition Officer granted @ Rs.300/- per R as market price of land under acquisition. The Reference Court has granted enhancement of Rs.150/- per R. i.e. total market price Rs.450/- per R. So, in view of market value enhanced on the part of Reference Court, there is no impediment to allow the applicant-claimant for withdrawal of the entire amount deposited towards compensation in this court. Hence, application deserves to be allowed.

4. Accordingly, application stands allowed. The applicant-original claimant - Kiran s/o. Baburao Suryawanshi is hereby permitted to withdraw entire decretal amount deposited towards compensation in this court with interest accrued thereon, if any, on furnishing undertaking to the effect that the applicant would refund the amount so withdrawn in case of any contingency arises in the appeal. The Registry to do the needful for disbursement of the amount as mentioned above. The civil application stands disposed of in above terms.

[K. K. SONAWANE]
JUDGE

rrd.