

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

CIVIL APPLICATION NO. 8804 OF 2018 IN FA/4755/2017

LAXMIKANT SHANKARRAO VEER
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
WITH CA/8806/2018 IN FA/4756/2017

CHANDRAKANT NAMDEO MALI AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
WITH CA/8809/2018 IN FA/4743/2017

JEEVAN PANDURANG VEER
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
WITH CA/8813/2018 IN FA/4758/2017

SHANKAR PRALHAD VEER DIED HIS LRS HARIDAS SHANKAR VEER
AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
WITH CA/8814/2018 IN FA/4748/2017

NIVRUTTI EKNATH MALI DIED HIS LRS SITABAI NIVRUTTI MALI AND
ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...
Advocate for Applicant : Mr. Kuldeep S. Patil h/f.
Mr. Dattatray D. Sarawade Patil.
AGP for Respondents No.1 and 2 : Mr. S. P. Deshmukh.
Advocate for Respondent No.3 : Mr. S. G. Sangle.

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CORAM : A.M. DHAVALÉ, J.

DATED : 30th JULY, 2018.

Order :-

These are the applications for withdrawal of compensation amount deposited by the respondent No.3 Acquiring Body as per the Judgment and Award of the Reference Court.

2. Mr. Sangle, learned counsel for the appellant- Acquiring Body submits that some lands from the same village acquired under same notification were treated as dry land and compensation is awarded by the same Judge at Rs.3,000/- per R, whereas in the present case the same Judge within two months has awarded rate at Rs.6,000/- per R. It seems that, the applicants have claimed that their lands were irrigated. There is vague sentence that mere presence of well, bore-well and pipe line is not enough to indicate that the land is irrigated. The Reference Court has awarded rate at Rs. 6000/- per R for dry land. Learned Advocate for the applicants is not in a position to state that there is well and bore-well in the applicants' field. The Judgment of the learned Reference Court in respect of compensation awarded for the land under same notification from same village of the same nature was binding upon him and enhancement at double rate seems to be without justification.

3. Mr. Sangle, learned Advocate for appellant-Acquiring Body submitted that granting compensation at Rs. 3000/- per R is also on higher side and those decisions are also under challenge. Considering the fact, the applicants cannot be permitted to withdraw the entire amount. Hence, the order :-

The civil applications are partly allowed. The applicants are permitted to withdraw 40% of the amount on personal undertaking and also to withdraw 20% amount on furnishing solvent surety to the satisfaction of Registrar (Judicial). The remaining amount be invested in any Nationalized Bank.

4. The Civil applications stand disposed of accordingly.

[A.M. DHAVAL]
JUDGE