

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

**CIVIL APPLICATION NO. 4077 of 2018**  
**IN**  
**CROSS OBJECTION (STAMP) No. 19069 of 2014**  
**IN**  
**FIRST APPEAL NO. 2674 of 2013**

Navneetdas S/o Gulabdas Shah (deceased)  
through legal representatives

**...APPLICANTS**

**VERSUS**

The State of Maharashtra and another

**...RESPONDENTS**

Mr A.P. Bhandari, Advocate for applicants  
Mr Bhushan V. Virdhe, Asstt. Govt. Pleader for respondent No.1  
Mr Ruchir Wani, Adv. h/f. Mr A.S. Bajaj, Adv. for respondent No.2

**CORAM : SUNIL P. DESHMUKH, J.**

**DATE : 6<sup>th</sup> April 2018**

**ORDER :**

Heard learned Counsel for the parties.

2. Learned Counsel Mr Bhandari for applicants submits that they had been granted compensation at the rate of only Rs. 7500/- per acre by the Special Land Acquisition Officer for acquired four acres of land, owned by the applicants, way back in 1975. Beyond that amount, since then, applicants have not

received anything in respect of land acquired, which situates in middle of Aurangabad city. The Reference Court has enhanced compensation but not to the extent market prices of real estates prevailing then and has granted compensation only at the rate of Rs. 23000/- per acre.

3. He further submits that in the First Appeal filed for enhancement by the applicants, Cross Objection is filed by acquiring body. He submits that the Court may take into account the fact that even for meagre enhanced rate of Rs. 23000/- per acre awarded by Reference Court, Cross Objection is preferred by acquiring body, which is an indication that the acquiring body in deserving cases is taking unreasonable approach. He submits that even now by paying entire amount of enhanced compensation, applicants would not be able to fetch even a small plot of land in Aurangabad. He submits that the land acquired now would fetch value more than rate of Rs. 7000/- per square foot. He further submits that the applicants are in dire need of amount.

4. Learned Counsel for the respondents purports to resist application by filing affidavit stating that appeal has no merit and acquiring body has every hope of success in Cross

Objection as enhancement in compensation granted by the Reference Court is on far higher side.

5. Having regard to the facts and circumstances of the case, it would be expedient to allow applicants to withdraw the amount, as requested under Prayer Clause "B". As such, application is allowed in terms of Prayer Clause "B". Applicants are allowed to withdraw deposited amount in this Court alongwith accrued interest, on condition of furnishing undertaking that claimants shall pay back/re-deposit the amount in this Court being withdrawn under this order, within a period of three months from the date of decision in appeal, if the decision goes adverse to their interest. Undertaking to be filed within three weeks from today.

6. Civil Application is disposed of accordingly.

**( SUNIL P. DESHMUKH )**  
**JUDGE.**