

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

CIVIL APPLICATION NO. 13108 OF 2018

IN

FIRST APPEAL (ST.) NO. 26680 OF 2017

Kerba Sukhdeo Chavan and others.

Applicants.

Versus

State of Maharashtra and others.

Respondents.

Mr. A.S. More, Advocate for the applicants.

Mr. S.N. Morampalle, A.G.P. for the State/respondent No.1.

Mr. D.R. Pawar, Advocate for respondent No.3.

CORAM : SUNIL K. KOTWAL, J.

Dated : 30th November 2018.

ORDER :-

. Heard learned Counsel for the applicants, learned Counsel for the Acquiring Body and learned A.G.P. for the State.

2. Learned Counsel for the Acquiring Body objected this application for withdrawal of compensation amount, on the ground that exorbitant compensation has been awarded by the Reference Court.

3. Perused the award passed by the Reference Court. From the award it emerges that under Section 23 (1A) of the

Land Acquisition Act the component is erroneously awarded from the date of possession which was taken before the date of publication of notification under Section 4 (1) of the Land Acquisition Act. Considering this aspect, permission is granted to the applicants to withdraw 50% amount of the deposited compensation amount with proportionate interest accrued thereon, subject to filing of written undertaking within four weeks, to deposit the withdrawn amount as and when directed by this Court. Out of remaining compensation amount, permission is granted to the applicants to withdraw 25% amount subject to furnishing of solvent security for the said amount. Rest of the amount shall be invested in fixed deposit in any Nationalized Bank, till final disposal of the appeal.

4. Registrar (Judicial) to act accordingly.
5. Civil Application is disposed of.

(SUNIL K. KOTWAL)
JUDGE

vdd/