

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

CIVIL APPLICATION NO. 13782 OF 2018

IN

FIRST APPEAL NO. 2809 OF 2017

Dhananjay Uttamrao Patil and anr.

Applicants.

Versus

State of Maharashtra and ors.

Respondents.

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

Mr. G.O. Wattamwar, A.G.P. for the State/respondent Nos.1 to 3.

CORAM : SUNIL K. KOTWAL,J.

Dated : 21st November 2018.

ORDER :-

1. This application is filed by original claimants in L.A.R. No.832/2011 for withdrawal of compensation amount deposited in this Court. Learned A.G.P. has opposed this application on the ground that the compensation was enhanced eight times than offered by Land Acquisition Officer.

2. Perused the award passed by Civil Judge, Senior Division, Paranda. After going through the award, it emerges that

mistake has been committed by the learned Reference Court while awarding component and interest from the date of possession which was taken prior to the date of publication of notification under Section 4 (1) of the Land Acquisition Act. Considering this circumstance, I hold that permission can be granted to the applicants only to withdraw 50 % amount out of deposited compensation amount, subject to filing of written undertaking to deposit the same as and when directed by this Court. The undertaking is to be filed within four weeks from the date of passing of this order. Out of the remaining amount, 25% amount can be withdrawn by the applicants subject to filing of solvent security for the said 25% amount. The remaining amount shall be invested in fixed deposit in any Nationalized Bank, till final decision of this appeal.

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

(SUNIL K. KOTWAL)
JUDGE

vdd/