

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

CIVIL APPLICATION NO. 14904 OF 2018

IN

FIRST APPEAL NO. 2751 OF 2018

Vasant Ramrao Madre.

Applicant.

Versus

Executive Engineer, Latur Minor
Irrigation, Latur and another.

Respondents.

Mr. V.G. Sakolkar, Advocate for the applicant.

Mr. A.N. Gaddime, Advocate for respondent No.1.

Mr. R.B.Bagul, A.G.P. for respondent No.2.

CORAM : SUNIL K. KOTWAL,J.

Dated : 17th December 2018.

ORDER :-

. This application is filed for withdrawal of the amount deposited by Acquiring Body. Learned Counsel for the applicant prays for withdrawal of at least 75% amount out of deposited compensation.

2. Learned Counsel for Acquiring Body and learned A.G.P. for the State oppose this application on the ground that exorbitant compensation is awarded for trees in addition to entire area of the acquired land. They have also pointed out that even the interest under Section 28 of the Land Acquisition Act is

awarded from the date of publication of notification and not from the date of passing of award.

3. While considering this application, I do not wish to express myself on merits of the matter. However, considering the judgment and reasons assigned by the Reference Court, I feel it proper to allow the applicant to withdraw 50% amount out of the deposited amount, subject to filing of written undertaking within a period of 12 weeks from the date of passing of this order, to deposit the withdrawn amount as and when directed by this Court. Out of the remaining amount the applicants are entitled to withdraw 25% amount subject to filing of solvent security for the said amount to the satisfaction of the Registrar (Judicial), within a period of 12 weeks from today. The remaining amount shall be invested in fixed deposited till final disposal of the appeal.

4. Registrar (Judicial) to act accordingly.

5. Civil Application is disposed of.

(SUNIL K. KOTWAL)
JUDGE

vdd/