

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

CIVIL APPLICATION NO. 3611 OF 2018
IN
FIRST APPEAL (STAMP) No. 24010 OF 2013

Shravana Hari Pichad (Died)
through legal representatives

...APPLICANTS

VERSUS

The Executive Engineer,
Urdhawa Pravara Dharan Vibhag, Sangamner and another

...RESPONDENTS

WITH
CIVIL APPLICATION NO. 3616 OF 2018 IN
FIRST APPEAL (STAMP) No. 24081 OF 2013
WITH
CIVIL APPLICATION NO. 3617 OF 2018 IN
FIRST APPEAL NO. (STAMP) No. 24077 OF 2013
WITH
CIVIL APPLICATION NO. 3618 OF 2018 IN
FIRST APPEAL (STAMP) No. 24073 OF 2013
WITH
CIVIL APPLICATION NO. 3619 OF /2018 IN
FIRST APPEAL (STAMP) No. 24013 of 2013

Mr Dnyaneshwar A. Bide, Advocate for applicants.
Mr R.C. Patil, Advocate for respondent No.1
Mr B.V. Virdhe, Asstt. Govt. Pleader for respondent No. 2

CORAM : SUNIL P. DESHMUKH, J.

DATE : 6th April 2018

ORDER :

Heard learned Counsel for the parties.

2. Lands of the respective applicants have been acquired, way back in 1998. The Special Land Acquisition Officer

had granted compensation to the applicants at the rate of Rs. 445/- per *Are* and the same came to be enhanced by the Reference Court to Rs. 1600/- per *Are*. Primary occupation of applicants has been agriculture. Learned Counsel for the applicants submits that their income has been affected due to acquisition of the land. He further submits that their livelihood is at stake and income source has been affected due to acquisition of the land.

3. Learned Counsel Mr Patil appearing for acquiring body submits that enhanced compensation amount is rather on higher side. Rate that was granted by the Special Land Acquisition Officer is reasonable. He further purports to contend that the lands acquired situate in hilly area. He therefore, submits that request made under applications may not be accepted. Although it is so submitted, there is no dispute that the lands have been acquired in 1998 and beyond the compensation granted by the Special Land Acquisition Officer, no further amount is paid to applicants.

4. In the circumstances, applicants can be allowed to withdraw the amount deposited in this Court, with accrued interest thereon, subject to conditions.

5. Learned Counsel, on instructions, submits that amount may be allowed to be transferred to the executing Court at Sangamner, as prayed in Prayer Clause (C). The amount deposited in this Court be transferred to the executing Court.

6. Thus, it would be expedient to allow the application. The executing Court to allow withdrawal of the amount alongwith accrued interest on applicants' furnishing undertaking to the effect that in the event First Appeal is decided against interest of the applicants, they shall pay back/re-deposit the amount in the executing Court being withdrawn under this order, within a period of three months from the date of decision in appeal.

7. Civil Applications are, accordingly, disposed of.

(SUNIL P. DESHMUKH)
JUDGE.

Madkar