

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

CIVIL APPLICATION NO. 4771 OF 2018
IN
FIRST APPEAL NO. 4228 OF 2016

Nagesh Sidheshwar Shete .. Applicant

versus

Godavari Marathwada Irrigation
Development Corporation Ltd.
and others .. Respondents

WITH

C.A.NO. 4777 OF 2018 IN FIRST APPEAL NO. 4224 OF 2016
C.A.NO. 4772 OF 2018 IN FIRST APPEAL NO. 4227 OF 2016
C.A.NO. 4773 OF 2018 IN FIRST APPEAL NO. 4226 OF 2016
C.A.NO. 4774 OF 2018 IN FIRST APPEAL NO. 4229 OF 2016
C.A.NO. 4775 OF 2018 IN FIRST APPEAL NO. 4230 OF 2016
C.A.NO. 4776 OF 2018 IN FIRST APPEAL NO. 4223 OF 2016
C.A.NO. 4779 OF 2018 IN FIRST APPEAL NO. 4225 OF 2016

Mr. P. P. More, Advocate h/f Mrs. Swati P. More (Nade), Advocate
for applicants

Mr. P. R. Tandale, Advocate for respondent no. 1

Mr. Shashibhushan P. Deshmukh, Advocate for respondent no. 2

CORAM : SUNIL P. DESHMUKH, J.

DATE : 9th April, 2018

ORDER :

1. Heard learned counsel for parties.
2. Learned counsel for applicant submits that with acquisition of lands of the applicants – claimants, their income earning source has been affected. The lands have been acquired in 2004 and thereafter beyond compensation granted by the special land

acquisition officer no further amount is received by them. Reference court has enhanced compensation, however, not as demanded by the applicants under the land acquisition references and yet the acquiring body is before this court in first appeals and the amount of compensation is deposited in this court. He submits, applicants are in dire need of income as their day to day life has become difficult. He, therefore, urges for allowing applicants to withdraw the amounts deposited in this court.

3. Learned counsel for acquiring body, however, submits that compensation granted by reference court is excessive and evidence shows that rate of compensation granted by reference court would not be sustainable and, therefore, urges not to indulge into the request being made under the applications for withdrawal of amount.

4. However, considering that applicants' lands have been acquired in 2004 and since then except the amount under the award by the special land acquisition officer no further amount is paid to them. With the acquisition of lands their income source is stated to have been affected and they are said to be suffering financial difficulties. In the circumstances, it would be expedient to allow the applicants to withdraw seventy five per cent of the amount deposited in this court on following conditions;

(i) Applicants may withdraw fifty per cent of the amount deposited in this court, on furnishing undertaking to the Registrar (Judicial) of this court that in the event decisions in first appeals are adverse to their interest, they would pay back / deposit the amounts being withdrawn under this order in this court within a period of three months from the date of decisions in the first appeals.

(ii) They may withdraw further twenty five per cent amount from remaining amount on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this Court.

(iii) Rest of the twenty five per cent amount be invested in fixed deposit receipts of nationalized bank earning interest.

5. Civil application is accordingly allowed to be withdrawn.

SUNIL P. DESHMUKH,
JUDGE

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