

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

CIVIL APPLICATION NO. 2892 OF 2017
IN
FIRST APPEAL (STAMP) No. 32425 OF 2013

Nagnath Maneji Wanole

...APPLICANTS

VERSUS

Godavari Marathwada Irrigation Development
Corporation, Aurangabad and others

...RESPONDENTS

WITH
CIVIL APPLICATION NO. 7472 OF 2017
IN
FIRST APPEAL (STAMP) No. 32438 OF 2013

Pralhad Maneji Wanole

...APPLICANT

VERSUS

Godavari Marathwada Irrigation Development
Corporation, Aurangabad and others

...RESPONDENTS

Mr Avinash R. Salve, Advocate for applicants in both petitions.

Mr R.D. Biradar, Advocate for respondent No.1

Mr A.D. Namde, Asstt. Govt. Pleader for respondents No. 2 & 3

CORAM : SUNIL P. DESHMUKH, J.

DATE : 27th April 2018

ORDER :

Heard learned Counsel for the parties.

2. Land admeasuring 78 Are owned by applicant in Civil
Application No. 2892 of 2017 and land admeasuring 76 Are

owned by applicant in Civil Application No. 7472 of 2017, have been acquired under the notification, way back in 1996. The Special Land Acquisition Officer had granted compensation to applicants at the rate of Rs. 68000/- per hectare under the award in the year 2000 and the same came to be enhanced by the Reference Court to Rs. 81000/- per hectare which had also granted compensation of Rs. 59000/- and 33000/-, respectively, for standing trees in the lands acquired. Primary occupation of applicants has been agriculture. Acquiring body has deposited the award amount alongwith interest thereon in this Court. Learned Counsel for the applicants submits that their income source has been affected due to acquisition of the land. He further submits that their livelihood is at stake. Had the compensation paid in time, immediately after the date of notification, they would have been in a position to create source of income for livelihood. They are also to bear marriage expenses of their children as well as expenses are to be borne on medical treatment to be given to family members.

3. Learned Counsel Mr Biradar appearing for acquiring body submits that enhanced compensation amount is on higher side and evidence may not be sufficient to sustain the rate enhanced by the Reference Court. Rate that was granted by the

Special Land Acquisition Officer is reasonable. 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 1996 and beyond the compensation granted by the Special Land Acquisition Officer, no further amount is paid to applicants. In the circumstances, it would be expedient to allow applicants to withdraw seventy five per cent of the amount deposited in this Court, with accrued interest thereon, subject to following conditions.

4. Learned Counsel for respondent No.1 fairly refers to that amounts in respect of all three matters including present applications have been deposited in First Appeal (Stamp) No. 32431 of 2013.

5. Hence, the following order.

(I) Applicants are allowed to withdraw fifty per cent of amount deposited of their share in this Court alongwith accrued interest, on the condition of furnishing undertaking that applicant shall pay back/ re-deposit the amount in this Court being withdrawn under this order, within a period of three months from the date of decision in appeal, if the decision goes adverse to their interest.

(II) Further twenty five per cent of the amount with accrued interest is allowed to be withdrawn by applicants subject to furnishing solvent security to the satisfaction of the Registrar (Judicial) of this Court. Rest of twenty five per cent of the amount be invested in fixed deposit in a nationalized bank earning interest.

6. Both the Civil Applications are, accordingly, disposed of.

**(SUNIL P. DESHMUKH)
JUDGE.**

Madkar