

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

913 CIVIL APPLICATION NO. 15347 OF 2017
IN FA/99/2018

RAMCHANDRA PANDURANG DONGRE (DIED) THR LRS VILAS AND
ANR

VERSUS

THE STATE OF MAHARASHTRA AND ORS

Advocate for Applicants : Mr. Laxmikant C. Patil

AGP for Respondents: Ms. S.S. Raut

CORAM : K.K. SONAWANE, J.

DATED : 19th JUNE, 2018.

Order :-

1. Heard learned counsel for the applicants. Perused the application.
2. The present application is moved by the applicant seeking permission to withdraw the decretal amount deposited on behalf of the appellants in this matter.
3. It has been submitted that the Land Acquisition Officer has offered market value at the rate of Rs. 610/- per R whereas the Reference Court after appreciating evidence on record granted enhancement of compensation at the rate of Rs. 3073/- per R.
4. Learned counsel for the applicants submits that the land under acquisition was perennial land, but the Land Acquisition Officer has committed error while calculating the market value as dry land.
5. The learned counsel for the respondent-acquiring body has raised objection that exorbitant amount was granted by the Reference Court towards market value of the land under

acquisition.

6. Taking into consideration the arguments advanced on behalf of both side, it appears that permission is required to be granted for withdrawal of the amount deposited in this court to the applicants on certain terms and conditions. The Reference Court has appreciated the entire facts and circumstances and evidence on record. It appears to be reasonable, but all these circumstances are to be appreciated at the time of final hearing of the appeal on merit. However, there is no impediment to allow the applicants for withdrawal of the amount on certain terms and conditions. Hence, the application deserves to be allowed.

7. Accordingly, the application is partly allowed. The applicants are permitted to withdraw 50% of the amount deposited in this court on furnishing undertaking to the effect that the applicants would refund the amount so withdrawn in case any contingency arises in the appeal. Rest 25% of the amount from the balance compensation amount be allowed to be withdrawn by the applicants on furnishing solvent surety/ security of like amount to the satisfaction of the Registrar (Judicial) of this Court and remaining 25% of the amount is also permitted to be withdrawn by the applicants subject to furnishing bank guarantee of Nationalized/Scheduled Bank of like amount.

8. The civil application is allowed in above terms and stands disposed of.

[K. K. SONAWANE]
JUDGE

MTK.