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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3081 OF 2018
IN
FIRST APPEAL STAMP NO.6631 OF 2017

Siddeshwar Limbanappa Patankar (Died) LRs APPLICANTS

VERSUS

The State of Maharashtra and Others RESPONDENTS

.....
Mr. Mahesh S .Patil, Advocate for the applicants
Mr. B. V. Virde, AGP for respondent - State
Mr. A. M. Gaikwad, Advocate for respondent No.2
.....

[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 16th MARCH, 2018

ORDER :

1. Heard learned advocates for the parties.
2. About 83 Are land of the applicants had been acquired by the respondents. Special Land Acquisition Officer had granted compensation @ Rs.37,000/- per acre, whereas the same had been enhanced by reference court to Rs.92,600/- per acre.
3. The respondents have deposited entire award amount in this court.
4. The applicants submit that the land is situated close to

Latur town and rates of the land are higher. It is contended that the applicants had demanded rate @ Rs.2,50,000/- per acre, however, the reference court had not acceded to the request. It is submitted that the applicants have not received any amount for acquisition of their land beyond the amount of award passed by special land acquisition officer. In the circumstances, they seek withdrawal of the amount.

5. Learned advocate for the acquiring body submits that the reference court has referred to that after acquisition of the land of the applicants, some portion from the balance remaining with the applicants had been dealt with by them, which had fetched less value than the one awarded by the land acquisition reference court, yet same had not received its due. In the circumstances, according to learned advocate for acquiring body, it is difficult to consider that the applicants would be able to receive compensation as deposited in this court. He, therefore, resists the requests to let the applicants withdraw the amount deposited in this court.

6. Having regard to that land acquisition has taken place sixteen years ago and the applicants have not received any amount except the one as awarded by the special land

acquisition officer, it would be expedient to allow the applicants to withdraw the amount deposited in this court and on furnishing bank guarantee, solvent security and an undertaking.

7. In the circumstances, following order -

I. The applicants may withdraw 50% of the amount deposited in this court on furnishing undertaking to the effect that they would deposit the amount so withdrawn in case appeal is decided against their interest, within a period of three months from such decision.

II. Further 25% of the amount shall be allowed to be withdrawn by the applicants on furnishing solvent security to the satisfaction of the Registrar (Judicial)

III. Rest of the 25% of the amount shall be allowed to be withdrawn by the applicants on furnishing bank guarantee of a nationalized or a scheduled bank.

8. Application stands disposed of.

[SUNIL P. DESHMUKH, J.]