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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4907 OF 2018
IN
FIRST APPEAL NO.479 OF 2014

Ambadas Bhaguji Gadekar and Others

APPLICANTS

VERSUS

GMIDC, through its Executive Engineer,
MID, Jalna and and Others

RESPONDENTS

WITH
CIVIL APPLICATION NO. 842 OF 2018
IN
FIRST APPEAL NO.481 OF 2014

WITH
CIVIL APPLICATION NO. 845 OF 2018
IN
FIRST APPEAL NO.483 OF 2014

WITH
CIVIL APPLICATION NO. 968 OF 2018
IN
FIRST APPEAL NO.2981 OF 2013

WITH
CIVIL APPLICATION NO. 4897 OF 2018
IN
FIRST APPEAL NO.2982 OF 2013

WITH
CIVIL APPLICATION NO. 4899 OF 2018
IN
FIRST APPEAL NO.2983 OF 2013

WITH
CIVIL APPLICATION NO. 4896 OF 2018
IN
FIRST APPEAL NO.2984 OF 2013

WITH
CIVIL APPLICATION NO. 4945 OF 2018
IN
FIRST APPEAL NO.485 OF 2014

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Mr. P. A. Bhosle, Advocate for the applicants
Mr. R. D. Biradar, Advocate for respondent No.1
Mr. S. P. Deshmukh, AGP for respondent - State

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 10th APRIL, 2018

ORDER :

1. Heard learned advocates for the parties.
2. It is submitted that the lands of the claimants had been acquired way back in 1997. Notification under section 4 of the Land Acquisition Act for acquisition of the lands had been issued in 1996. Deputy Collector had passed award in 1997 and since then beyond compensation granted under the award of the Deputy Collector, no further amount has been received by the applicants. The applicants have been deprived of their earning source and their legitimate dues in respect of compensation. Land Acquisition References were decided in 2010. Even thereafter, appeals were not preferred in time by the State and those were belated, delay was condoned and the amount has been deposited in this court, pursuant to the award of Land

Acquisition Reference Court.

3. It is submitted that had the due compensation been paid immediately after acquisition of the lands, perhaps, the applicants could have created an alternate income earning source. However, due amount has come rather too late and value of money being decreasing day by day, with the present amount it is difficult even to create as much source of livelihood as would have been possible, had the compensation been paid immediately. Economic condition of the applicants and their families, in the process has been hit and has become precarious. The families need the amount for various purposes, including for day to day needs. Learned advocate, during the course of submissions, adverts to the Government Decision which stipulates that if the award of compensation granted by the land acquisition reference court is not more than four times than the rate of ready reckoner on the date of the notification, appeals may not be filed or if filed may not be prosecuted and be withdrawn. It is, therefore, submitted that the applicants be allowed to withdraw the amount of compensation deposited in this court.

4. Learned advocate for the appellant – acquiring submits

that compensation has been granted by the reference court rather on higher side and the evidence may not be able to sustain such an excessive compensation. It is being submitted that the State may not be liable to pay the amount of compensation as granted under the award by the reference court.

5. Looking at aforesaid that lands of the claimants had been acquired in 1997 and award had been passed in 1997 and beyond amount granted by the Deputy Collector, no further amount has been paid to the claimants and looking also at that the land holdings of the claimants appear to be not beyond five acres and it is claimed that land was the only income source for the claimants, in the circumstances, it may be expedient to allow the applicants to withdraw the amount deposited in this court with the accruals thereon on the following conditions-

- I. The applicants are allowed to withdraw 50% of the amount deposited by the appellant – State along with accruals thereon, on furnishing an undertaking to the effect that in case the appeals are allowed, the applicants would deposit the amount so withdrawn within a period of three months from the date of

such decision.

II. Balance 50% of the amount deposited by the appellant – State along with accruals be allowed to be withdrawn by the applicants on furnishing solvent security to the satisfaction of the Registrar (Judicial).

6. Civil applications stand allowed and are disposed of accordingly.

[SUNIL P. DESHMUKH, J.]