

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 728 OF 2018

IN

FIRST APPEAL NO.877 OF 2017

(THE EXECUTIVE ENGINEER MEDIUM PROJECT DN...VS.. NARENDRA R. BHAGAT & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.A.Kadu, Advocate for Appellant.
Shri J.A.Malnas, Advocate for Respondent No.1/Applicant.
Ms Mayuri Deshmukh, A.G.P. for Respondent Nos. 2 & 3.

CORAM : Z.A.HAQ, J.

DATED : APRIL 16, 2018.

Award passed by the reference Court under Section 18 of the Land Acquisition Act, 1894 enhancing the amount of compensation is challenged by the State of Maharashtra in First Appeal No. 876 of 2017 and separately by the Executive Engineer, Medium Project Division, Yavatmal in First Appeal No.877 of 2017. In First Appeal No. 876 of 2017 this Court granted interim order subject to depositing 50% of the amount by the State of Maharashtra. The State of Maharashtra deposited Rs.44,94,764/- and the claimant is permitted to withdraw that amount by order dated 17th October, 2016 on furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court.

In First Appeal No.877 of 2017 the Executive Engineer has deposited Rs.49,55,853/-. The claimant has filed this civil application seeking permission to withdraw the amount deposited by the Executive Engineer.

It is pointed out that the land of the claimant was acquired for rehabilitation of the project affected persons and the reference Court relied on the award passed in Land Acquisition Case No. 263 of 2008 granting compensation @ Rs.60,00,000/- per hectare for land which was acquired for the same project and which was situated in the vicinity of the present claimants' land.

Considering the facts of the case, the claimant is permitted to withdraw the amount deposited by the Executive Engineer on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.

The civil application is **allowed** accordingly.

JUDGE

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