

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7012 OF 2019

IN

FIRST APPEAL NO.2195 OF 2017

(Ajabsing Hiralal Suryawanshi Vs. The State of Maharashtra and others)

Mr. Bide, Advocate holding for Mr. Vitthal B. Wayal, Advocate
for the applicant

Mr. R.B. Bagul, A.G.P. for the respondent/State

CORAM : MANGESH S. PATIL, J.

DATE : 03.12.2019

PER COURT :

Heard.

2. This is an application by the original claimant for withdrawal of the amount of compensation deposited by the Acquiring Body in this Court.

3. The learned Advocate for the applicant/claimant submits that already this Court has permitted some other claimants from the same notification, whose land acquisition references have also been decided simultaneously by the Reference Court, to withdraw the entire amount of compensation and therefore, even the applicant may be allowed to withdraw it. He further submits that barely the amount of Rs.1,25,000/- has been directed to be paid to him by way of compensation.

4. The learned A.G.P opposes the application. He submits that there is dispute as regards quantum of compensation. The Reference Court has awarded exorbitant compensation as compared to the rate taken into consideration by the Special Land Acquisition Officer, without there being any cogent and sufficient reason.

5. This Court in Civil Application No.4130 of 2018 in First Appeal No.1892 of 2017 by an order dated 23rd March, 2018 has allowed the claimants to withdraw the entire amount of compensation. Pertinently, it is from the same notification and even the Reference Court decided the reference around the same time when the reference in this matter was decided. Besides, barely an amount of less than Rs.2,00,000/- has been deposited.

6. Considering the above noted aspects, the applicant deserves to be paid the entire amount of compensation deposited in this Court with usual terms and conditions.

7. The application is allowed. The applicant is allowed to withdraw the entire amount of compensation, 75% by furnishing usual undertaking and 25% by furnishing solvent security to the satisfaction of the Registrar (Judicial).

[MANGESH S. PATIL]
JUDGE

