

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

927 CIVIL APPLICATION NO.3786 OF 2019
IN
FAST/15198/2015

VILAS DUDHAJI PATIL AND ORS.
VERSUS
EXECUTIVE ENGINEER LOWER TERNA CANAL
DIVISION NO.2 LATUR UNDER GMIDC
AURANGABAD AND ANR.

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Mr. A.V.Patil, Advocate for Applicants.

Mr. B.R.Surwase, Advocate for R – 1.

Mr. B.V.Virdhe, A.G.P. for R – 2.

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CORAM : V.L.ACHLIYA, J.

DATE : 12/04/2019

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ORAL ORDER :

1. The applicants/claimants have moved this application seeking withdrawal of Rs. 7,17,873/- together with interest accrued thereon deposited by the appellant/acquiring body.

2. Heard learned counsel for applicants and learned A.G.P. for State.

3. In brief, it is the contention of learned counsel for applicants that the land admeasuring 4 H. 11 R.

from S.No. 201 situated at village Makani, Taluka Omerga, District Osmanabad was acquired for Lower Terna Project. The process of acquisition was initiated by way of notification u/s 4 of the Land Acquisition Act in the year 1984 and the possession of the land was taken in 1984 itself. The Special Land Acquisition Officer has awarded compensation @ Rs. 11,880/- per Hecter. The reference Court awarded compensation @ Rs. 21,276/- per Acre with consequential benefits and interest in terms of award. It is submitted that the applicants are deprived of the fruits of litigation since last more than 20-25 years. Although the award was passed in the year 2009, the compensation is yet to be received by the applicants towards the land acquired.

4. Learned A.G.P. present for respondent No. 2. Learned counsel representing acquiring body is absent.

5. I have carefully considered the submissions advanced in the light of award passed. The Special Land Acquisition Officer has awarded compensation @ Rs. 11,880/- per Hecter which was found to be inadequate by the reference Court and the same has been enhanced to Rs. 21,276/- per Acre. The enhancement appears to be based on due consideration of evidence adduced in the matter. The acquisition of the land was initiated in the year 1984.

The applicants are deprived of the fruits of litigation since last more than 25 years.

6. In the facts and circumstances of the case, passing of following order would meet the ends of justice. Hence, the following order.

ORDER

[i] Subject to out-come of appeal, the applicants are permitted to withdraw the amount to the extent of 60% on furnishing undertaking to the effect that in the event award is set aside and the order is modified, the applicants shall re-deposit the amount received within eight weeks from the date of order.

[ii] After paying the amount to the extent of 60%, the balance amount be deposited in fixed deposit initially for a period of 28 months with standing instructions to renew the investment made in fixed deposit on its maturity till final disposal of the appeal.

**[V.L.ACHLIYA]
JUDGE**

KNP.