

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

**CIVIL APPLICATION NO.7254 OF 2019
IN FA/2071/2016**

**MOHAN VISHWAMBHAR INGALE
VERSUS
THE EXECUTIVE ENGINEER, LIFT IRRIGATION DIVISION,
OSMANABAD UNDER G.M.I.D.C. AURA**

...

Advocate for Applicant : Mr. Deshmukh Vivekanand B.
Advocate for Respondent No.1 : Mr. B.R. Surwase
AGP for Respondent No.2 : Mr. A.M. Phule

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 28th JUNE 2019

ORDER :

1. Heard learned counsel for the applicant, learned counsel for the respondent-Acquiring Body as well as learned A.G.P. for the respondent-State. Perused the application.

2. This matter pertains to the compensation under the Land Acquisition Act, 1894. The respondent-Acquiring Body has deposited the compensation amount in this Court pursuant to the Award passed by the learned Reference Court filed under Section 18 of the Land Acquisition Act. The learned counsel for the respondent-Acquiring Body has offered Rs.1,610/per Are, whereas the Reference Court has enhanced the compensation to the tune of Rs.15,000/per Are, which is exorbitant and

excessive.

3. In view of the nature of subject-matter, it is not in dispute that the lands of the applicant is already been acquired by the respondent State of Maharashtra. Therefore, I do not find any impediment to allow the applicant-original claimant to withdraw some part of the compensation amount on certain terms and conditions in order to protect the interest of respondent-Acquiring Body.

4. Hence, the application is partly allowed. The applicant original claimant is allowed to withdraw 50% of deposited amount on furnishing undertaking to the satisfaction of the Registrar [Judicial] of this Court and 25% rest of the balance amount is allowed to be withdrawn on furnishing bank guarantee of any Nationalized / Scheduled Bank and remaining 25% balance amount be fixed in any Nationalized Bank for a period of two years till decision of the First Appeal. Accordingly, application stands partly allowed.

(Smt. Vibha Kankanwadi, J.)

Shubham/