

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 4634 OF 2019
IN
FIRST APPEAL NO. 2649 OF 2018
(Bansi Karbhari Honde Vs. The State of Maharashtra and
others)
AND
CIVIL APPLICATION NO. 4635 OF 2019
IN
FIRST APPEAL NO. 2648 OF 2018
(Mohan Karbhari Honde Vs. The State of Maharashtra and
others)

Mr. Vilas P. Savant, Advocate for the applicants
Mr. A.M. Phule and Mr. R.B. Bagul, A.G.Ps. for
the respondent/State

CORAM : SUNIL K. KOTWAL, J.

DATE : 5th APRIL, 2019

ORDER :

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

2. Learned A.G.P. submits that learned Reference
Court awarded exorbitant compensation so also the
interest is also granted from the date of possession,
when the possession was taken before the publication
of notification under Section 4(1) of the Land
Acquisition Act. Learned counsel for the applicants

supports the judgment passed by the Reference Court.

3. I have gone through the award and the reasons assigned by the Reference Court. Considering the irregularities pointed out by the learned counsel for the applicants, it is desirable to allow to allow the applicants to withdraw only 50% amount of compensation with proportionate interest thereon, deposited by the Acquiring Body in the Court, subject to filing of written undertaking, before the Reference Court, to refund the withdrawn amount as and when directed by this Court. The balance compensation amount together with interest thereon shall be invested in fixed deposit in any nationalized bank till final disposal of First Appeal. The amount which is to be paid to the applicants, shall be remitted to the Reference Court for its payment to the applicants in accordance with the order passed today by this Court. The Civil Applications are accordingly allowed and disposed of.

[SUNIL K. KOTWAL]
JUDGE