

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

**CIVIL APPLICATION NO.6735 OF 2019
IN FAST/9706/2017**

**MARUTI VAYJINATH BIRAJDAR
VERSUS
THE REGIONAL OFFICER, M.I.D.C. LATUR AND ORS**

Mr. Santosh N. Patne, Advocate for the applicants
Mr. S.S. Dande, Advocate for the respondent No.1

**CORAM : SUNIL P. DESHMUKH &
S.M.GAVHANE, JJ.**

DATED : 23-08-2019

P.C. :-

1. Heard learned counsel for the parties. It appears that about eleven and half acre land of applicants has been acquired. The amount of compensation granted by land acquisition officer has underwent upward revision under the award passed by land acquisition reference court and accordingly amount has been deposited in this court.

2. The counsel for applicants refers to that in similar matters from the group containing present first appeal, the court has allowed withdrawal of 50% of the amount from the one deposited in the court and additionally purports to refer to that in many a land acquisition compensation case, the Supreme Court had directed withdrawal of entire amount deposited. In view of the same, learned counsel for the applicants urges to allow withdrawal of amount deposited in this court.

3. Learned counsel for MIDC, however, contends that enhancement of compensation amount at by reference court had been rather far too steep and would be unsustainable in the face of evidence which has been led. He submits that rise in compensation is from Rs. 25,000/- per hectare to 12,50,000/- per hectare which enhancement is about 40-50 times. Mr. Dande, learned counsel, opposes the request for withdrawal of entire amount. He therefore submits that the applicants be allowed to withdraw only a reasonable amount and they be put to strict conditions.

4. In the circumstances, we deem it appropriate to allow the applicants to withdraw 50% of the amount from the amount deposited in this court, half of that, subject to filling an undertaking to the effect that in case decision in appeal is rendered against the interest of the applicants, they would deposit the amount being withdrawn in this court within two months from such decision and rest of the half from the amount allowed to be withdrawn, be allowed to be withdrawn on furnishing solvent security to satisfaction of Registrar (Judicial).

5. Civil application accordingly, is disposed of. Remaining amount be invested in fixed deposit of any nationalized bank.

[S.M.GAVHANE, J.]

[SUNIL P. DESHMUKH, J.]