

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

20 CIVIL APPLICATION NO.13034 OF 2019
IN FAST/8239/2019

NIVRUTTI GANPATI MITAKARI (DIED) THR LRS INDUBAI AND ORS
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DEPARTMENT OSMANABAD AND
ANR

...
Advocate for Applicants : More P. P.
Adv. Kutti Choudhary Chaitali R. For R/1

...
WITH CA/13035/2019 IN FAST/8717/2019
WITH CA/13036/2019 IN FAST/8728/2019

...

CORAM : MANGESH S. PATIL, J.
DATE : 10.12.2019

PC. :-

Heard both the sides.

- 2] The original claimants are seeking withdrawal of the amount of compensation deposited by the acquiring body in this Court.
- 3] The learned advocate for the acquiring body opposes the application. She submits that the Land Acquisition Officer has assessed compensation at the rate of Rs.18,000/- per Hectare which has been enhanced by the Reference Court to Rs.87,500/- per Hectare. The difference being exorbitant not more than 50% amount be allowed to be withdrawn.
- 4] Having considered the reasons assigned by the Reference Court and the fact that it had relied upon a sale instance (Exh.27) which is prior to the

issuance of the notification under Section 4, it would be just and proper to allow applicants claimants to withdraw 75% of the amount of compensation.

5] The applicants-claimants are allowed to withdraw 50% of the amount of compensation by furnishing usual undertaking and 25% by furnishing solvent security.

6] The applications are disposed of.

[MANGESH S. PATIL, J.]

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