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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 8332 OF 2019
IN
FIRST APPEAL NO.908 OF 2019

Mohammad Wahiduddin Mohd Yasin (Died) LRs APPLICANTS

VERSUS

The State of Maharashtra and Another RESPONDENTS

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Mr. Anand P. Bhandari, Advocate for the applicants
Mr. A. V. Deshmukh, AGP for respondent - State
Mr. A. S. Bajaj, Advocate for respondent No. 2

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[CORAM : SUNIL P. DESHMUKH AND
S. M. GAVHANE, JJ.]

DATE : 16th AUGUST, 2019

ORDER :

1. Heard learned advocates for the parties.
2. This is an application for withdrawal of 50% of the award amount deposited by the acquiring body in this court pursuant to its orders. There is no dispute about that the amount is in respect of acquisition of land of the applicants.
3. After hearing learned advocates for the parties, it appears that the claimants' acquired land is situated in Satara village, adjacent to railway track, which according to learned advocate

for the applicants is not only close to Aurangabad town, but also as of now falls within the limits of Aurangabad Municipal Corporation. He accordingly purports to submit that even enhancement of compensation may not be in tune with the prevailing rates. He, therefore, urges for withdrawal of the entire amount deposited by the acquiring body in this court.

4. Whereas, learned advocate for respondent - acquiring body - CIDCO, Mr. Bajaj, vehemently submits that the enhancement in the award amount is far too steep and is not congruous to ready reckoner rates or even selling prices of lands. He purports to refer to various instances and additionally submits that during acquisition process, the lands were not within Aurangabad Municipal Corporation area.

5. In the circumstances, while the acquisition proceedings are of 1991 and award is of 1992 and beyond the amount awarded by the land acquisition officer, the claimants have not received any amount, we consider it appropriate that ends of justice can be met with by passing following order.

- i. Applicants are permitted to withdraw 1/4th of the amount deposited pursuant to orders passed earlier by this court, on filing undertaking to the

effect that if first appeal is decided against the interest of the applicant – claimants, they would deposit back the amount being withdrawn under this order, within a period of eight weeks from the date of decision in first appeal.

ii. Further 1/4th of the amount from the amount deposited pursuant to the earlier order passed by this court shall be allowed to be withdrawn by the claimants, subject to furnishing solvent security by them to the satisfaction of Registrar (Judicial) for double the amount being withdrawn.

iii. Rest of the amount shall be invested in fixed deposit earning interest, in a nationalized bank.

6. Civil application accordingly is disposed of.

[S. M. GAVHANE]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

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