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

**CIVIL APPLICATION NO. 8308 OF 2019**  
**IN**  
**FIRST APPEAL NO.907 OF 2019**

Imtiyaz Khan Sarda Khan

APPLICANT

VERSUS

The State of Maharashtra and Another

RESPONDENTS

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Mr. Anand P. Bhandari, Advocate for the applicant  
Mr. S. S. Dande, 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 : 16<sup>th</sup> 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 applicant.
3. After hearing learned advocates for the parties, it appears that the claimant's acquired land is situated in Satara village, adjacent to railway track, which according to learned advocate

for the applicant 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 claimant has not received any amount, we consider it appropriate that ends of justice can be met with by passing following order.

- i. Applicant is permitted to withdraw half 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if first appeal is decided against the interest of the applicant – claimant, he would deposit back the amount being withdrawn under this order, within a period of eight weeks from the date of decision in first appeal.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 half of the amount from the amount deposited pursuant to the earlier order passed by this court shall be allowed to be withdrawn by the claimant, subject to furnishing solvent security by him to the satisfaction of Registrar (Judicial) for double the amount being withdrawn.

6. Civil application accordingly is disposed of.

**[S. M. GAVHANE]**  
**JUDGE**

**[SUNIL P. DESHMUKH]**  
**JUDGE**