

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**1025 CIVIL APPLICATION NO.9738 OF 2019
IN FA/2767/2018**

DATTATRAYA UMAJI BIDVE AND ORS
VERSUS
THE EX. ENGINEER, NIMNA DUHANA PROJECT DIV. SAILU,
PARBHANI AND ORS

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Advocate for Applicants : Mr. Kadam Parmeshwar R & Mr.M. P. Tripathi
AGP for Respondents/State : Mr. S.P. Deshmukh
Advocate for Respondent No.1 : Mr. R.B. Deshpande

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 23rd AUGUST, 2019

ORDER :

. Present application has been filed for withdrawal of the amount. Respondent No.1-acquiring body had deposited amount of Rs.36,67,114/- before the executing Court which was the 50% of the decretal amount. The said entire amount has been withdrawn by the applicants. Now, the question is only of the amount which is before this Court i.e. Rs.41,20,600/-.

2. Learned Advocate appearing for the acquiring body submits that the appeal has been filed challenging the quantum on the ground that the agricultural land which has been acquired, has been considered as semi irrigated which is in fact not so. It was only non irrigated land.

It appears that the Special Land Acquisition Officer had granted compensation at the rate of Rs.651/- per R and the reference Court has awarded compensation for seasonally irrigated land at the rate of Rs.3750/- per R, for non irrigated i.e. Jirayat land Rs.2500/- per R and for barren land it has been awarded Rs.1875/- per R.

3. Since the 50% of the decretal amount has already been withdrawn by the applicants, taking into consideration the fact that the interest of the appellants is also required to be protected till the disposal of the appeal, the applicants are allowed to withdraw an amount of Rs.10,000/- only from the amount which has been now deposited with this Court. Thereafter, the applicants will not be entitled to withdraw any amount till the disposal of the appeal. The said amount be distributed to the applicants equally. Applicants shall file an undertaking within a period of eight weeks that they would make the said amount good, if directed at the time of final disposal of the appeal.

4. Civil Application stands disposed of accordingly.

(Smt. Vibha Kankanwadi, J.)

Shubham/