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

**20 CIVIL APPLICATION NO.11621 OF 2018
IN FAST/14534/2018**

DINKAR SHAHURAJ JADHAV
VERSUS
THE EX. ENGINEER, STRENGTHENING DIV. OSMANABAD THR
OSMANABAD MINOR IRRIGATION DIV

...

Advocate for Applicant : Mr. Deshmukh Prashant K.
And Mr. D S Jadhav/party In Person
Advocate for Respondent No.1 : Mr. R.C. Patil

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**CORAM : P.R. BORA, J.
DATED : 18th FEBRUARY, 2019.**

PER COURT:-

. Heard Shri Deshmukh, the learned counsel appearing for the applicant and Shri Ruturaj Patil, the learned counsel appearing for the acquiring body.

2. The applicant is seeking withdrawal of the amount of compensation deposited by the acquiring body in this Court. The applicant has sought the withdrawal of the amount as has been deposited by the acquiring body. The learned counsel submitted that the Reference Court has manifestly erred in holding the acquired land to be fully irrigated land when according to the acquiring body, the acquired land is a dry land. The learned counsel

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further pointed out that when SLAO had offered the compensation to the present applicant at the rate of Rs.190/- per R, the Reference Court has awarded the compensation at the rate of Rs.3,000/- per R. The learned counsel submitted that the compensation awarded by the Reference Court apparently appears to have been arbitrarily enhanced. The learned counsel in the circumstances, prayed for rejecting the application in the alternative submitted that having regard to the objections raised by the acquiring body, no more than 25% of the deposited amount shall be permitted to be withdrawn by the present applicant.

3. I have considered the submissions made by the learned counsel appearing for the parties. I have perused the impugned judgment and the grounds of objections raised in exception to the said judgment. In view of the above, I deem it appropriate to pass the following order:

ORDER

- i) The application is partly allowed.
- ii) The applicant is permitted to withdraw 50% of the deposited amount; 25% out of it on simple undertaking and 25% on submitting solvent surety or

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security in the like amount.

iii) Balance 50% of the amount be invested in Fixed Deposit Receipt in any nationalized bank, for the further period till disposal of the appeal.

iv) The civil application stands disposed of.

(P.R. BORA, J.)

Mujaheed//