

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

**19 CIVIL APPLICATION NO.12947 OF 2019
IN FA/2784/2018 WITH CA/12948/2019 IN FA/2793/2018 WITH
CA/12949/2019 IN FA/2795/2018 WITH CA/12950/2019 IN FA/2794/2018
WITH CA/12951/2019 IN FA/2796/2018 WITH CA/12952/2019 IN
FA/2797/2018 WITH CA/12953/2019 IN FA/2916/2018 WITH
CA/12954/2019 IN FA/2783/2018 WITH CA/12955/2019 IN FA/2786/2018
WITH CA/12957/2019 IN FA/2785/2018 WITH CA/12958/2019 IN
FA/2789/2018 WITH CA/12959/2019 IN FA/2787/2018 WITH
CA/12960/2019 IN FA/2790/2018 WITH CA/12961/2019 IN FA/2915/2018
WITH CA/12962/2019 IN FA/2781/2018 WITH CA/12963/2019 IN
FA/2788/2018 WITH CA/12964/2019 IN FA/2780/2018 WITH
CA/12965/2019 IN FA/2792/2018 WITH CA/12968/2019 IN FA/2791/2018**

**MURLIDHAR KRISHNA KASHID
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. THR MOHAN B KADE SUB DIV.
ENGINEER, OSMANABAD & ORS**

...
Advocate for Applicant : Tarde Vivek V
AGP for Respondent State: S.N.Morampalle
Adv.Shyam C. Arora For R/1 &3g.

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

PC. :-

These are the applications by original claimants seeking withdrawal of the amount of compensation deposited in this Court by acquiring body while preferring appeals.

2] The learned advocate for the applicants submits that the Reference Court has for the objective reasons fixed the rate while awarding the compensation. The earlier decision in the LAR No.81/2012 and companion

matters was taken as a base for deciding LAR No.25/2008 and both these decisions have been followed while fixing the quantum in the impugned judgment and award. He submits that all these judgments are under challenge before this Court in different First Appeals, but still for the objective reasons the compensation has been determined. The applicants claimants are entitled to withdraw it since they have already lost their lands.

3] The learned advocate for the acquiring body opposes the application. He submits that since all the decisions, the present one and the one rendered earlier, are under challenge before this Court no weight can be attached to that aspect. Considering the difference in the rate awarded by the Land Acquisition Officer and the one awarded by the Reference Court, not even 75% of the amount can be allowed to be withdrawn. The learned advocate would further submit that there is error in awarding interest under Section 28 of the Land Acquisition Act from the date of notification instead of the award and the period for which comes to 3 years.

4] Having considered the reasons assigned by the Reference Court and all the aforementioned circumstances, the applicants deserve to be paid 75% of the amount deposited in this Court.

5] The applications are allowed. The applicants claimants are allowed to withdraw 75% of the amount deposited in this Court, 50% by furnishing undertaking in usual terms and 25% by furnishing solvent security.

[MANGESH S. PATIL, J.]