

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.13944 OF 2019

IN

FIRST APPEAL NO.1180 OF 2019

**(Gopalsingh Vithalsingh Rajput (Died) through L.Rs. Bharatbai and
another Vs. the Deputy Chief Engineer, Construction Railway, Pune and
others)**

Mr. R.P. Adgaonkar, Advocate for the applicants

Mr. A.D. Soman, Advocate holding for Mr. D.V. Soman,
Advocate for respondent No.1

Mr. S.N. Morampalle, A.G.P. for respondent Nos.2 and 3/State

CORAM : MANGESH S. PATIL, J.

DATE : 13.12.2019

PER COURT :

Heard both the sides.

2. This is an application by the original claimants seeking withdrawal of the amount deposited by the Acquiring Body in this Court while seeking stay to the execution of the impugned award.

3. It appears that the Land Acquisition Officer has valued the land by applying the rate of Rs. 750/- per Are whereas the Reference Court has enhanced it to Rs.1200/- per Are. There was sale instance (Exh-32) wherein prior to the notification under Section 4 of the Land Acquisition Act, the land was sold at the rate of Rs.1500/- per Are, albeit it

was sold to the owner of the adjoining land.

4. Considering the fact that the interest under Sections 28 and 34 of the Land Acquisition Act has been awarded from the date of notification issued in the year 1995 when it should have been from the date of award passed in the year 1999, the applicants are entitled to withdraw 75% of the amount of compensation deposited in this Court with usual terms.

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

[MANGESH S. PATIL]
JUDGE

npj/ca13944-2019