

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

912. CIVIL APPLICATION NO. 13299 OF 2018
IN FA/3813/2017

Rama Babu Lodge

...Applicant.

Versus

The State of Maharashtra and another

..Respondents.

Mr. V.S. Tanwade, Advocate for applicant.

Mr. B.V. Virdhe, Asstt. Govt. Pleader for respondent No.1

Mr. S.R. Dheple, Advocate for respondent No.2

CORAM : V.L. ACHLIYA, J.

DATE : 4th April, 2019

PER COURT :

1. The application is filed by respondent-claimant seeking withdrawal of amount of Rs. 59,869/- deposited by appellant-acquiring body in terms of the award passed by the Reference Court.

2. It is submitted that the land admeasuring 0H. 09 *are* owned and possessed by the applicant-claimant has been acquired in the year 1993. The Special Land Acquisition Officer awarded the compensation at the rate of Rs. 7200/- per acre and the same has been enhanced to Rs. 40,000/- per acre by the Reference Court. He further submits that in the connected matters arising out of

same acquisition proceedings, this Court has allowed the claimant to withdraw the amount to the extent of 50% of the amount deposited on furnishing undertaking and 25% on furnishing solvent surety to the satisfaction of the Registrar (Judicial) and rest of the amount directed to be invested in fixed deposit with the nationalized bank.

3. On the other hand, learned Counsel for the appellant-acquiring body opposed the application with contention that the appellants have good case to succeed in appeal. In case applicants are permitted to withdraw the amount, it will be difficult for the acquiring body to recover the said amount if the appeal is allowed or award is modified.

4. Considering the submissions advanced in the light of challenge raised in appeal, I deem it fit to pass the following order.

ORDER

I) Applicant is permitted to withdraw the amount to the extent of 60% of the amount deposited by the appellant on his furnishing written undertaking to the satisfaction of the Registrar (Judicial), on a condition that in case the award is set aside or modified, the applicant shall re-deposit the amount within eight

weeks from the date of the order.

II) After making payment of 60% of the amount deposited, the balance amount together with interest accrued be invested in fixed deposit initially for a period of 28 months with the State Bank of India, High Court branch, Aurangabad, with standing instructions to renew the same time to time till further orders from this Court or disposal of the appeal, as the case may be.

III) The application is disposed of in above terms.

(V.L. ACHLIYA)
JUDGE

Madkar