

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

912. CIVIL APPLICATION NO. 13300 OF 2018
IN FA/3814/2017

Dilip Manohar Patil

...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 Rs. 14,85,856/- deposited by appellant-acquiring body in terms of the award passed by the Reference Court.

2. It is submitted that the land admeasuring 1H. 42 R 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. 8400/- per acre and the same has been enhanced to Rs. 60,000/- per acre by the Reference Court. He submits that in the matters arising out of same acquisition proceedings, this Court has allowed withdrawal of 50% of the amount of deposit on furnishing undertaking as per satisfaction of

the Registrar (Judicial) and 25% on furnishing solvent surety and remaining amount directed to be invested in fixed deposit and urged to pass similar order permitting the applicant to withdraw the amount.

3. On the other hand, learned Counsel for the appellants-acquiring body opposed the application with contention that the appellants have good case to succeed in appeal. In case applicant is permitted to withdraw the amount, it will be difficult for the acquiring body to recover the 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 proper to pass the following order.

ORDER

I) Applicant is permitted to withdraw amount to the extent of 60% of the amount deposited by appellant-acquiring body on his furnishing written undertaking to the satisfaction of the Registrar (Judicial) with 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 to

applicant, the balance amount together with interest accrued thereon be invested in fixed deposit initially for a period of 28 months with 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. The interest accrued over the amount invested in fixed deposit shall be paid to applicant-claimant after the interval of every three months by crediting the amount in his saving account, till further orders from the Court.

III) The application is disposed of in above terms.

**(V.L. ACHLIYA)
JUDGE**

Madkar