

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

927 CIVIL APPLICATION NO. 12315 OF 2019
IN FA/3821/2019
WITH CA/12316/2019 IN FA/3818/2019

MAHEBOOB YAKUB PATEL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Applicants : Mr. R.V. Naiknavare.
AGP for Respondent No. 1 : Mr. Y.G. Gujarathi.
Advocate for Respondent No. 2 : Mr. D.V. Soman.

CORAM : MANGESH S. PATIL, J.
DATE : 13.12.2019

PER COURT :

Heard both the sides, the original claimants are seeking withdrawal of the amount of compensation deposited by the acquiring body in this Court.

2. The learned advocate for the acquiring body opposes the application and submits that there is a huge difference between the rate considered by the Land Acquisition Officer and the one awarded by the reference Court. The reference Court has determined the compensation relying upon the decision in the earlier Land Acquisition Reference No. 998/2010 which in turn was decided by referring to the decision in LAR No. 71/2008. The learned advocate for the acquiring body submits that the decision in LAR No. 994/2010 is also a subject matter of the independent appeal and the appellant may not be allowed to withdraw the entire amount of compensation. He, further, submits that the interest of Section 28 and 34 has been awarded from the date of possession when it should have been from the date of the award passed on 24.10.2002.

3. The learned advocate for the claimants applicants submits that in fact according to the instructions, in LAR No. 994/2010, the entire amount of compensation was deposited in the reference Court and the claimant therein has been allowed to withdraw it.
4. Considering the reasoning given by the learned Judge of the reference Court and taking into account the aforementioned submissions it would be appropriate to allow the applicants to withdraw 75% of the amount deposited in this Court.
5. The applications are allowed. The applicants are allowed to withdraw 75% of the amount deposited in this Court, 50% by furnishing usual undertaking and 25 % by furnishing solvent security.
6. The applications are disposed of.

(MANGESH S. PATIL, J.)