

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

42 CIVIL APPLICATION NO.13697 OF 2019
IN FA/2552/2018

SHIVAJI GANPATRAO JADHAV AND ANR
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. (SHEKAPUR STORAGE
TANK) OSMANABAD AND ANR

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43 CIVIL APPLICATION NO.13698 OF 2019
IN FA/2551/2018

NARAYAN GANPATRAO JADHAV
VERSUS
THE EXECUTIVE ENGINEER, MINOR IRRIGATION DIVISION (SHEKAPUR
STORAGE TANK) OSMANAB

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Advocate for Applicants : Mr. Wakure Sanjay A.
Advocate for Respondent No. 1 : Mr. Pratap G. Rodge
AGP for Respondent No. 2 : Mr. A.M. Phule.

CORAM : MANGESH S. PATIL, J.

DATE : 29/11/2019

PER COURT :

Heard both the sides.

2. The original claimants are seeking to withdraw the amount deposited by the Acquiring Body in this Court pursuant to the order passed by the Reference Court.

3. The learned advocate for the Acquiring Body opposes the applications on the ground that though the Special Land Acquisition Officer has awarded rate of Rs. 1610/- per Are, the Reference Court without there

being sufficient and cogent reason has awarded compensation at the rate of Rs. 15000/- per Are. Therefore at the most only 50% of the amount allowed to be withdrawn.

4. The learned advocate for the claimants/applicants submits that in fact in respect of adjoining lands the compensation has been awarded by the Reference Court at the rate of Rs. 100/- per square feet. As compared to that rate the awarded amount in the present reference is too meagre and the claimants have already filed appeals for enhancement impugning the self same judgment and award.

5. Considering the aforementioned submissions and the reasoning given by the Reference Court in my considered view, the applicants deserve to be allowed to withdraw 75 % of the amount deposited in this Court.

6. The Applications are allowed. The applicants are allowed to withdraw 75 % of the amount deposited in their respective matters, 50 % by furnishing usual undertaking and 25 % by furnishing solvent surety.

7. The Civil Applications are disposed of.

(MANGESH S. PATIL, J.)

mkd