

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.1604 OF 2019

IN

FIRST APPEAL (ST.) NO.34174 OF 2016

(Mehboobkhan Mahamadkhan Pathan, died through His
L.Rs. Rustumkhan and others Vs. The State of
Maharashtra and others)

WITH

CIVIL APPLICATION NO.1600 OF 2019

IN

FIRST APPEAL (ST.) NO.33934 OF 2016

(Dildarkhan Mehboobkhan Pathan and others Vs. The
State of Maharashtra and others)

AND

CIVIL APPLICATION NO.1602 OF 2019

IN

FIRST APPEAL (ST.) NO.34187 OF 2016

(Sarwar Usman Wadkar Vs. The State of Maharashtra and
others)

AND

CIVIL APPLICATION NO.1603 OF 2019

IN

FIRST APPEAL (ST.) NO.34161 OF 2016

(Rustumkhan Mehboobkhan Pathan and another Vs. The
State of Maharashtra and others)

Mr. Shaikh Shoyab, Advocate for the applicants
Mr. A.M. Phule, A.G.P. for the respondent/State
Mr. A.M. Gaikwad, Advocate for respondent No.2

CORAM : SUNIL K. KOTWAL, J.

DATE : 15th MARCH, 2019

ORDER :

Heard learned counsel for the applicants/
original claimants, learned A.G.P. for the State and

counsel for respondent No.2/appellant.

2. These applications are moved by the claimants for withdrawal of the entire compensation amount deposited in this Court by the Acquiring Body. Learned counsel for the claimants has requested for permission to withdraw the entire amount. On the other hand, learned counsel for the Acquiring Body has pointed out that the Reference Court has enhanced compensation ten times than awarded by the Special Land Acquisition Officer. He has also pointed out that interest under Section 34 of the Land Acquisition Act is erroneously awarded by the Reference Court.

3. Therefore, after going through the award, I feel it proper to grant permission to the claimants to withdraw 50% of the amount out of the deposited compensation amount with proportionate accrued interest thereon, subject to filing of written undertaking before this Court to deposit the withdrawn amount as and when directed by this Court.

4. The remaining 50% amount shall be invested in fixed deposit in a Nationalized Bank till the final hearing of the appeals.

5. The Civil Applications are accordingly allowed and disposed of.

[SUNIL K. KOTWAL]
JUDGE

npj/ca1604-2019+