

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

**904 CIVIL APPLICATION NO.13898 OF 2019
IN FA/3164/2018
WITH
904.3 CIVIL APPLICATION NO.13899 OF 2019
IN FA/3163/2018
WITH
904.4 CIVIL APPLICATION NO.13900 OF 2019
IN FA/3165/2018**

**GURURAJ MARUTI MOGALE AND ORS
VERSUS
THE G.M.I.D.C, LTD. A,BAD THR THE EX. DIR. AND THE EX. ENGINEER,
LIFT IRRIGATION**

...
Advocate for Applicants : Mr. Sarawade Patil Dattatray D.
AGP for Respondent: Mr. Y.G. Gujrathi
Advocate for Respondent : Mr. A.V. Patil (Indrale) for R1 in FA/3161/18
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CORAM : MANGESH S. PATIL, J.

DATE : 11.12.2019

PER COURT :

Heard both the sides.

2. These are the applications by the original claimants for withdrawal of the amount of compensation deposited by the acquiring body while preferring the First Appeals.

3. The learned advocate for the claimants submits that so far as valuation of the land is concerned there is not much of the difference between the rate awarded by the Special Land Acquisition Officer and the one by the reference court. Though there is some difference in the valuation

and the trees, the reference court has assigned cogent reasons and the claimants may be allowed to withdraw the entire amount of compensation deposited in the court.

4. The learned advocate for the acquiring body opposes the application. He submits that there is vast difference in the valuation of the trees assessed by the reference court and the one considered by the Special Land Acquisition Officer, therefore, only 50% of the amount may be allowed to be withdrawn.

5. Having considered the reasons assigned by the reference court, in my considered view, it would be appropriate to allow the applicants to withdraw 75% of the amount deposited in this Court subject to usual terms and conditions.

6. The applications are allowed. The applicants are allowed to withdraw 75% of the amount deposited in this Court, 50% by furnishing undertaking in usual terms and 25% by furnishing solvent security to the satisfaction of the Registrar Judicial.

(MANGESH S. PATIL, J.)

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