

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

25 CIVIL APPLICATION NO.14230 OF 2019
IN FA/962/2018

RAM MAKAJI DHONE(DIED) THR LRS GOPAL RAM DHONE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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27 CIVIL APPLICATION NO.14256 OF 2019
IN FA/951/2018

RAMA NARSAPPA DHONE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Advocate for Applicant : Mr. Patil Laxmikant C.
AGP for Respondent No. 1 & 2 : Mr. S.N. Morampalle.
Advocate for Respondent No.3 : Mr. G.B. Rajale.

CORAM : MANGESH S. PATIL, J.

DATE : 12/12/2019

PER COURT :

Heard Mr. Patil learned advocate for the applicants and Mr. Rajale, learned advocate for the respondent Nos. 3.

2. These are the applications by the original claimants seeking withdrawal of the amount of compensation deposited in this court by the Acquiring Body while preferring appeals.

3. The learned advocate for the Acquiring Body submits that the rate awarded by the Land Acquisition Officer was barely Rs. 15,600/- per Acre, whereas the Reference Court has enhanced it to Rs. 1,50,000/- per Acre. The sale instance relied upon by the Reference Court is barely eight months prior to the date of notification. The possession was taken before the notification

under Section 4 of the Land Acquisition Act. The interest has been awarded under Section 28 of the Land Acquisition Act from the date of the possession. It was stated to be taken in the year 1999 when the award has been issued in the year 2004. Therefore the entire amount may not be allowed to withdraw.

4. The learned advocate for the applicants/original claimants submits that in fact the Acquiring Body has not deposited the interest, component under Section 28 of the Land Acquisition Act and only balance has been deposited calculating it from the date of the award. He would then submit that the sale instance relied upon by the Reference Court clearly justifies the increase and the claimants may be allowed to receive the financial benefits.

5. Having considered all the aforementioned aspects, it would be appropriate to allow the applicants to withdraw 75 % of the amount deposited in this Court subject to usual conditions.

6. The applicants are allowed to withdraw 75 % of the amount, 50 % by furnishing usual undertaking and 25 % by furnishing solvent security.

7. The Civil Applications are disposed of.

(MANGESH S. PATIL, J.)

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