

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

60 CIVIL APPLICATION NO.1277 OF 2019
IN FA/2050/2018

KRISHNA SHAMRAO SHELKE
VERSUS
STATE OF MAHARASHTRA THR DEPUTY COLLECTOR, AND ANR

WITH

CA/1279/2019 IN FA/2051/2018 WITH CA/1282/2019 IN
FA/2052/2018 WITH CA/1283/2019 IN FA/2053/2018 WITH
CA/1284/2019 IN FA/2054/2018 WITH CA/1286/2019 IN
FA/2049/2018 WITH CA/1303/2019 IN FA/959/2018 WITH
CA/1304/2019 IN FA/960/2018 WITH CA/1305/2019 IN
FA/961/2018 WITH CA/1306/2019 IN FA/958/2018

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Advocate for Applicants : Smt. A.N. Ansari
AGP for Respondent Nos. 1 and 2 : Mr. A.M. Phule

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CORAM : P.R. BORA, J.

DATED : 04th FEBRUARY, 2019

PER COURT:-

1. Heard Smt. A.N. Ansari, the learned counsel appearing for the applicants and Mr. Phule, the learned AGP for respondent-State
2. By filing the present applications, the applicants are seeking withdrawal of amount deposited by the appellant i.e. the State of Maharashtra, in this Court.
3. The applicants though have sought to withdraw the entire amount, the learned counsel pointed out that in connected matters, this Court (Coram : K.K. Sonawane, J) vide order passed on 22.06.2018 has permitted the applicants therein to withdraw 50% of the amount on furnishing an undertaking to the satisfaction of the Registrarr (Judicial) and 50% amount on furnishing solvent security/surety. The learned counsel, has

therefore, prayed for passing similar order.

4. Mr. Phule, the learned AGP has strongly opposed the request so made. The learned AGP pointed out that in the present matter, the Reference Court has arbitrarily enhanced the amount of compensation. It is pointed out that the the SLAO has offered compensation at the rate of Rs.1,000/- per R and the Reference Court has determining the market value at the rate of Rs.18,000/- per R i.e. 18 times more than the compensation offered by the SLAO. The learned submitted that, substantial grounds are raised in exception to the impugned judgment and award and in any circumstances, no withdrawal or in alternative more than 25% of the deposited amount can be permitted to be withdrawn.

5. After having considered the submissions made on behalf of the respective parties and after perusing the impugned judgment and award, and grounds of objection raised in exception to the said, I deem it appropriate to pass the following order:-

ORDER

[i] The Applications for withdrawal of amount are allowed.

[iii] The applicants are permitted to withdraw 50% of the amount on submitting an undertaking to the satisfaction of Registrar of this Court. The balance 50% of the amount be invested in Fixed Deposit Receipt of any nationalized Bank for the period till disposal of the appeal.

[iii] All the civil applications for withdrawal of the amount are disposed of.

**(P.R. BORA)
JUDGE**