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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.14623 OF 2019
IN
FIRST APPEAL NO. 3229 OF 2019

Ajit Shridhar Shinde

APPLICANT

VERSUS

The State of Maharashtra and Others

RESPONDENTS

WITH
CIVIL APPLICATION NO.14624 OF 2019
IN
FIRST APPEAL NO. 3230 OF 2019

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Mr. Mahesh S. Patil, Advocate for the applicants
Mr. P. N. Kutti, AGP for respondent - State
Mr. Shyam C. Arora, Advocate for respondent No. 2

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[CORAM : SUNIL P. DESHMUKH AND
B. U. DEBADWAR, JJ.]

DATE : 13th DECEMBER, 2019

ORDER :

1. Heard learned advocates for the parties.
2. Learned advocate for the applicants states that as a matter of fact, rates of compensation granted by special land acquisition officer and that by the reference court would show that enhancement is within the *parameters* as are referable to Government Resolution dated 3rd November, 2016 and

corrigenda dated 23rd February, 2017 and 13th August, 2018 and, as such, first appeals are not competent. He further contends that the Supreme Court and even this court have allowed withdrawal of entire amount without security in respect of land acquisition compensation. He, thus, urges for similar treatment for withdrawal of amount.

3. Mr. Arora, learned advocate for the acquiring body, however, submits that proposition that enhancement in the compensation is within the *parameters* as are referable to in the government resolution, relied upon on behalf of the applicants, would be a debatable proposition. He, further submits that enhancement in compensation is too steep to be borne by the evidence on record. He, therefore, resists and opposes the request for withdrawal of amount.

4. However, learned advocate for the acquiring body is not in a position to dispute that orders have been passed by the Apex Court and this court allowing withdrawal of awarded amount of land acquisition compensation on undertaking and on security.

5. Looking at orders being passed letting withdrawal of land acquisition compensation by the courts, we deem it appropriate to allow the applicants to withdraw 50% of the amount deposited

by the acquiring body in this court on furnishing undertaking to the effect that in case decision in first appeals is against interest of applicants, the amount withdrawn would be deposited back in this court within a period of six weeks from the date of decision in first appeals. Rest of 50% of the amount deposited is allowed to be withdrawn on furnishing solvent security / surety to the satisfaction of the Registrar (Judicial) of this court.

6. Civil applications, accordingly are disposed of.

[B. U. DEBADWAR]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE