

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAF) NO. 3773 OF 2019

IN

FIRST APPEAL NO. 581 OF 2019 (D)

Executive Engineer, Minor Irrigation Division, Washim

..VS..

Sumitrabai w/o Dadarao Solnake, thr. LR's-1.Baburao Dadarao Solanke (Deshmukh) and ors.

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.K. Bhoyar, Adv. for appellant.

Shri V.N. Patre, Adv.for applicant/respondent nos. 1 to 4.

Shri K.L. Dharmadhikari, A.G.P for respondent nos. 5 and 6.
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CORAM : VINAY JOSHI, J.

DATED : 18th NOVEMBER, 2019

Heard.

2. This is an application of original claimants seeking permission for withdrawal of compensation amount which is deposited by the appellant. The applicant would submit that his entire land has been acquired and therefore, he is badly in need of financial assistance. Hence, applicants seeks permission for withdrawal of entire compensation amount which has been deposited.

3. The appellant objected on the ground that, initially the acquiring body has fixed the compensation at the rate of Rs.40,400/- per hector which was enhanced by the Reference Court to the extent of Rs. 1,87,348/- per hector.

4. Both sides submitted the merits and demerits of their respective claims. No doubt, the Reference Court has enhanced the compensation amount near about four

times than which has been granted by the Land Acquisition Officer.

5. Taking into account the said aspect, the applicant/respondent no. 1 to 4 are permitted to withdraw 50 percent compensation amount on usual undertaking.
6. The applicant/respondent nos. 1 to 4 are at liberty to seek for withdrawal of remaining amount later on by making such specific case of requirement.
7. The applicants further prayed that, the applicant no. 1-Baburao Solanke be permitted to withdraw the amount on behalf of rest of the applicants i.e. rest of the heirs of original owner namely Sumitrabai Solanke. For that purpose, a copy of notarized power of attorney dated 21.08.2019 is tendered on record. Last paragraph of power of attorney bears a reference that, the other heirs have permitted that, the amount of compensation can be disbursed only in the bank account of the applicant no. 1-Baburao Solanke.
8. In view of that, the amount of compensation as ordered above be disbursed in the bank account of application no. 1-Baburao Solanke on necessary compliance.
9. The Civil application stands disposed accordingly.

JUDGE