

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

CIVIL APPLICATION (CAF) NO. 3105/2018 IN
FIRST APPEAL NO. 218/2016

M.I.D.C., Thr. its CEO, Amravati V/s Balkrishna Asatkar (Dead) thr. Lrs & Others.

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

Court's or Judge's orders.

Shri Sharad Thakare, counsel h/f Shri M.M. Agnihotri, counsel for the
appellant.
Shri R.V. Shiralkar, counsel for the respondent No.2.
Shri S.D. Sirpurkar, AGP for the respondent Nos. 4 and 5.

CORAM: ARUN D. UPADHYE, J.

DATE: 22-01-2019.

Heard learned counsel for the respondent No.1
legal heirs of original land owner of respondent Nos. 1 to 3
and Shri S.D.Sirpurkar, learned AGP for respondent Nos. 4
and 5.

Perused the application. It appears that the Land
Acquisition Officer has granted compensation @ 30,642/-
per hectare. The learned Reference Court has granted
compensation @ Rs. 85,000/- per hectare. Learned
Counsel for the appellant has submitted that from same
village the another land is acquired for the same project
and compensation is awarded @ Rs. 90,000/- per hectare.
In the present case, learned Reference Court has enhanced
the compensation and granted @ Rs. 85,000/- per hectare.

Considering the facts and circumstances of the
case, I am of the view that the applicant could be permitted
to withdraw the amount by furnishing usual undertaking.

Learned counsel for the appellant, however, submitted that at least 70% amount may be permitted to be withdrawn.

Considered the submissions of both the sides, I proceed to pass following order :-

ORDER

[1] Civil application is allowed.

[2] The respondent Nos. 1 to 3 are permitted to withdraw the entire amount deposited in this Court by the appellant by furnishing usual undertaking to the effect that he will refund the amount to the appellant in case the appeal is allowed.

JUDGE