

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

910 CIVIL APPLICATION NO.286 OF 2020
IN
FA/527/2016

BABURAO KRISHNAJI INDRALE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR
WITH
CIVIL APPLICATION NO.350 OF 2020
IN
FA/526/2016

SHAKUNTALABAI BALIRAM PALAPURE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR
WITH
CIVIL APPLICATION NO. 290 OF 2020
IN
FA/529/2016

VITHAL KRUSHNAJI INDRALE (DIED)
THR. L.RS. CHAMPABAI AND ANR.
VERSUS
THE STATE OF MAHARASHTRA AND ANR

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Smt. L.R.Thakur, Mr. S.N.Lale Yelwatkar,
Advocates for Applicants.
Mr. P.M.Kulkarni, A.G.P. for State.

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CORAM : V.L.ACHLIYA, J.
DATE : 03/12/2020

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ORAL ORDER :

1. The applicants/claimants have moved these applications for withdrawal of amount deposited by acquiring body.

2. Heard learned counsel for applicants and learned A.G.P. for State.

3. In brief, it is the contention of learned A.G.P. that Award passed by the Reference Court is not sustainable in law. It is submitted that the compensation awarded by the Special Land Acquisition Officer @ Rs. 90,000/- per Hectore has been enhanced to Rs. 1,20,000/- per Acre without any evidence adduced to justify the enhancement. So also, the interest has been awarded from the date of notification which is contrary to law laid down by Full Bench of this Court. Similarly, the Reference Court erred in awarding interest u/s 34 of Land Acquisition Act from the date of notification.

4. On the other hand, learned counsel for applicants/claimants supported the Judgment and Award passed by Reference Court and submits that there is no merit in the Appeal. The lands in question were acquired in the year 2000 for percolation tank and the claimants are deprived of compensation in respect of their lands acquired about twenty years back.

5. On due consideration of submissions advanced in the light of challenge raised in Appeal, I am of the view the applicants/claimants be permitted to withdraw the amount to the extent of 50% of amount deposited by acquiring body subject to outcome of

Appeal.

Hence, the following order is passed.

ORDER

[i] The applications are partly allowed.

[ii] Out of amount deposited by the appellant in respective appeals, the amount to the extent of 50% be paid to the applicants/claimants in respective appeals on furnishing written undertaking to the satisfaction of Registrar [Judicial] that in the event the Award is set aside or modified, the applicants/claimants shall re-deposit the amount within eight weeks from the date of such order.

[iii] The withdrawal of amount shall be subject to outcome of Appeal.

[iv] The amount be paid to the claimants by transferring the amount in their respective saving bank account on furnishing particulars of their saving bank account.

[v] The amount be paid only in the name of applicants/claimants and no amount be paid to the General Power of Attorney holder or any third person.

6. S.O. 27/01/2021.

**[V.L.ACHLIYA]
JUDGE**

KNP