

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2463 OF 2020

BAPURAO RAMRAO NALAWADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr.J.R.Patil, Advocate for the petitioner.
Mr.N.T.Bhagat, AGP for respondent No.1.
Mr.S.W.Munde, Advocate for respondent No.2.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 05/03/2020

PER COURT :

1. Pursuant to the order dated 21/02/2020, Mr.Munde, learned Advocate has immediately collected instructions with promptitude and has tendered on record a compilation of 3 documents. Same are collectively marked as "X" for identification.

2. He submits that as the compensation granted u/s 18 of the Land Acquisition Act, 1894, was not more than 4 times of the compensation granted by the S.L.A.O. , the Acquiring Body has decided not to prefer an appeal in view of the policy decision which is at Page No.2 below Exh.X. Page No.3 below Exh.X, indicates that the Acquiring Body has deposited the amount of Rs.48,03,505/-.

3. The learned Advocate for the petitioner submits that, despite the above position, the learned Court below has passed the impugned orders dated 09/04/2019 and 26/11/2019, refusing permission for the withdrawal of the amount. I find that the learned Court below has taken a pedantic view of the matter, instead of taking a pragmatic view.

4. The learned Advocate for the petitioner submits that he was deprived of interest on his amount from April 2019 till today. He has preferred First Appeal No.326/2011 for enhancement u/s 54 of the Land Acquisition Act, 1894.

5. In view of the above, this petition is allowed. The impugned orders dated 09/04/2019 and 26/11/2019 stand quashed and set aside and application Exh.10 stands allowed. Needless to state, the deprivation of interest from April 2019 till March 2020, owing to the impugned orders, would be kept open for the petitioner to canvass in the pending first appeal, only in the event the amount of Rs.48,03,505/- deposited before the LAR Court has not accrued any interest.

(Ravindra V.Ghuge, J.)