

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
947 CIVIL APPLICATION NO.1341 OF 2020
IN FA/3162/2018 WITH FA/3163/2018 WITH FA/3164/2018

MAHALING GAIBU DHUMAL AND ORS
VERSUS
G.M.I.D.C., AURANGABAD THR ITS EX. ENGINEER, OSMANABAD AND
ORS

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Advocate for Applicant : Mr. Anand V. Patil Indrale
Adv. Respondent No.1 : Mr. Anand Chawre
AGP for Respondent Nos. 2 and 3 : Mr. S.P. Deshmukh.

CORAM : K.K. SONAWANE, J.

DATE : 5th FEBRUARY, 2020.

PER COURT:

Heard learned counsel for the applicants, learned counsel for the Acquiring Body as well as learned AGP for the State of Maharashtra.

2] The present application is filed seeking permission to withdraw compensation amount deposited by the Acquiring Body in this court. Learned counsel for the applicants submits that the agricultural lands of the applicant was acquired for storage tank. The Land Acquisition Officer granted meager amount of compensation. Therefore, they preferred Land Acquisition Reference petition for enhancement of compensation under Section 18 of the Land Acquisition Act which came to be partly allowed. Pursuant to the impugned judgment and award, the respondent Acquiring Body deposited a sum of Rs. 5,40,600/--, in this case. The learned counsel for the applicants requested to allow the applicants to withdraw the amount deposited by the Acquiring Body in this court.

3] The learned counsel for the respondent Acquiring Body and the learned AGP raised objection and submit that the exorbitant

amount has already been granted by the Reference Court. Therefore, the claimants may not be allowed to withdraw entire amount deposited in this court.

4] In view of submission and after perusing the relevant documents, I do not find any impediment to allow the applicants to withdraw the some portion of the amount deposited by the Acquiring Body in the interest of justice. It would not cause any prejudice to respondent Acquiring Body. Hence, the application is partly allowed. The applicants are allowed to withdraw 50% of the compensation amount deposited in this court on behalf of Acquiring Body, subject to condition that the applicants shall furnish an undertaking to the satisfaction of the Registrar (Judicial) of this Court, to the effect that in case adverse situation arises after adjudication of the appeal on merit, in favour of appellants/respondents, the applicants will refund the amount so withdrawn, forthwith as per the directions of this Court. The applicants are further permitted to withdraw 25% of the balance decretal amount deposited in this court on furnishing solvent surety of like amount to the satisfaction of the Registrar (Judicial) of this court. Rest of the 25% balance decretal amount deposited on behalf of Acquiring Body be invested in any nationalized bank for a period of two years or till adjudication of appeal on merit, whichever is earlier. Registry to do the needful for disbursement of amount as referred supra, in favour of the applicants. Application for withdrawal of amount stands disposed of accordingly.

[K.K. SONAWANE]
JUDGE.

Grt/-.