

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

CIVIL APPLICATION NO.2461 OF 2020 IN FA/970/2016

VINYAK AMBADAS WADANE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Laxmikant C. Patil
AGP for Respondent No.1 : Mr. S. N. Morampalle
Advocate for Respondent No.2 : Mr. J. R. Patil h/f. Mr. G. B. Rajale

...
WITH CA/2462/2020 IN FA/969/2016
WITH CA/2463/2020 IN FA/973/2016
...

CORAM : K.K. SONAWANE, J.

DATED : 28th FEBRUARY, 2020.

ORDER :-

Heard learned counsel for the applicant-original claimant/s and learned counsel appearing for the respondent No.2 – Acquiring Body as well as learned AGP for respondent No.1 State of Maharashtra. Perused the applications and other relevant documents produced on record.

2. It is contended that, the applicants-original claimants filed reference petitions for enhancement of compensation under Section 18 of the Land Acquisition Act, 1894. The learned Reference Court partly allowed the reference petitions and granted enhancement of compensation alongwith other statutory benefits as per Law. Learned counsel for the applicant submits that, SLAO has granted meager compensation amount @ Rs.220/- to 300/- per R, whereas, learned Reference Court granted Rs.1250/- per R. i.e. Rs.50,000/- per Acre for the acquired lands. The applicants-original claimants since year are in

queue awaiting the proper and reasonable market value of their acquired lands. The applicants-original claimants moved present applications seeking permission to withdraw decretal amount of compensation. Therefore, he requested to allow the applicants-claimants to withdraw compensation amount deposited in this Court.

3. Learned counsel appearing for respondent No.2 – Acquiring Body raised objections and submits that the Reference Court granted exorbitant compensation amount for the acquired lands. There is hope of success in appeals. In case, entire amount is allowed to be withdrawn by applicants-claimants, it would injustice and prejudice to appellant-Acquiring Body and it would create complication in execution of the Award in the event that appellants succeed in the appeals. Therefore, learned counsel for Acquiring Body submits that not to nod in favour of applicants-claimants.

4. I have given anxious consideration to the submissions advanced on behalf of both the learned counsel. Admittedly, the matters pertain to determination of compensation of lands under acquisition of original claimants. It has been alleged that the learned Reference Court has appreciated the circumstances and granted exorbitant amount of compensation. The learned Reference Court after appreciation of evidence on record passed the impugned Judgment and Award. Being dissatisfied with the impugned Judgment and Award, appellants-State of Maharashtra and Acquiring Body filed proceedings of First Appeals to redress their grievance. Pending the appeals, appellant-Acquiring Body deposited the decretal amount in this Court as per impugned Award passed by the learned Reference Court. In such circumstances, I find

that it would just and proper to allow the applicant-claimant/s to withdraw some of the portion of compensation amount deposited in this Court. Definitely, it would sub-serve the purpose in the interest of justice. Therefore, the Civil Applications deserve to be allowed.

5. Accordingly, the Civil Applications stand partly allowed. The applicants-original claimants are hereby permitted to withdraw 50% of the decretal amount deposited on behalf of appellant-Acquiring Body in the present proceedings of First Appeals on furnishing undertaking to the effect that in case adverse situation, if any, arises after adjudication of appeals on merit in favour of appellants, the applicants-claimants would refund the amount so withdrawn forthwith, as per order of this Court in the present proceedings. The applicants-claimants are further permitted to withdraw 25% amount from rest of the balance decretal amount of compensation on furnishing solvent surety of like amount to the satisfaction of the Registrar (Judicial) of this Court. Rest of the balance 25% amount be invested in Fixed Deposit Receipts account, in any Nationalized Bank for a period of two years or till adjudication of First Appeals, whichever is earlier. The Registrar (Judicial) to do the needful for disbursement of the amount to the applicants-claimants as directed above.

6. The Civil Applications stand disposed of in above terms.

Sd./-

[K. K. SONAWANE]
JUDGE