

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

951 CIVIL APPLICATION NO. 2631 OF 2020
IN FAST/16531/2018

PHULABAI SAUDAGAR KEDAR
VERSUS
THE EX. ENGINEER, MINOR IRRIGATION DIV. OSMANABAD AND ORS

...
Advocate for Applicant : Mr. Ramesh V. Naiknavare
AGP for Respondents No.2 and 3 : Mr. P.M. Kulkarni
Advocate for Respondent No. 1 : Mr. S.M. Ganachari
...

CORAM : K.K. SONAWANE, J.

DATED : 27th FEBRUARY, 2020.

ORDER :-

1. Heard learned counsel for parties. Perused the application and other relevant documents produced on record.
2. Present application is moved by the applicants-original claimants seeking permission to withdraw the entire decretal amount of Rs.5,46,437/- deposited in this Court for compensation of acquired land to the extent of 00.67 Aar for construction of percolation tank.
3. It has been brought to the notice of this Court that Land Acquisition Officer has granted compensation for acquired land admeasuring 00.67 Aar of the claimants @ Rs. 16,000/- per hectare i.e. Rs. 160/- per R (Rs. 6400/- Per Acre). But, the learned Reference Court allowed the enhanced compensation amount @ Rs. 52,000/- per Acre i.e. Rs. 1300/- per R. According to learned counsel for the appellant-Acquiring Body, land was located in the remote rustic area of

Osmanabad District, therefore, compensation awarded by Reference Court appears to be exorbitant and excessive one. Therefore, learned counsel for the Appellant Acquiring Body raised objection and contended that applicants claimants may not be allowed to withdraw huge compensation deposited for small area i.e. 67 R of their acquired land.

4. Minute scrutiny of the circumstances on record and findings of the Reference Court, I find force in the contentions propounded on behalf of appellant-Acquiring Body. *Prima facie*, I find that enhanced compensation awarded by learned Reference Court is so exorbitant and excessive one. In such circumstances, it would be hazardous to allow the application for withdrawal of amount deposited in this Court. Therefore, instead of allowing the applicants-claimants for withdrawal of amount, it would be justifiable to direct the applicants to proceed for final hearing of the appeal on merit so that appropriate and proper market value can be determined in the interest of justice. Therefore, application stands dismissed. The applicants are hereby directed to proceed further for final hearing on merit.

5. The Civil application stands disposed of in above terms. No order as to costs.

[K. K. SONAWANE]
JUDGE