

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

CIVIL APPLICATION NO.2942 OF 2020 IN FAST/15532/2019

GURUNATH VISHWANATH IGAWA
VERSUS
THE CHIEF ENGINEER, C.R. MUMBAI THE DEPUTY CHIEF EX.
ENGINEER, C.R.DIV. SOLAPUR AND OTHERS

...
Advocate for Applicant : Mr. Sharad S. Halkude
Advocate for Respondents No.1 and 2 : Mr. D. V. Soman
AGP for Respondents No.3 and 4 : Mr. S. N. Morampalle
...

CORAM : K.K. SONAWANE, J.

DATED : 04th MARCH, 2020.

ORDER :-

Heard learned counsel for the applicant-original claimant and learned counsel appearing for the respondents No.1 and 2 – Acquiring Body as well as learned AGP for respondents No. 3 and 4 - State of Maharashtra and Special Land Acquisition Officer. Perused the application and other relevant documents produced on record.

2. It is contended that, the applicant-original claimant filed reference petition for enhancement of compensation under Section 18 of the Land Acquisition Act, 1894. The learned Reference Court partly allowed the reference petition 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.2380/- per R, whereas, learned Reference Court allowed enhancement Rs.6500/- per R. the acquired land. The applicant-original claimant since year 2003 is in queue awaiting the proper and reasonable market value of his acquired land. The applicant-original claimant moved present application seeking permission to withdraw decretal amount of compensation. Therefore, he requested to allow the applicant-claimant to withdraw compensation amount deposited in this Court.

3. Learned counsel appearing for Acquiring Body conceded about market value determined by the learned Reference Court and paid by the Special Land Acquisition Officer.

4. Taking into consideration the nature of subject matter and calculation made by the learned Reference Court, there is no impediment to allow the applicant-claimant for withdrawal of some of the portion of compensation amount deposited in this Court on certain terms and conditions. Definitely, it would sub-serve the purpose in the interest of justice. Therefore, the Civil Application deserves to be allowed.

5. Accordingly, the Civil Application stands partly allowed. The applicant-original claimant is hereby permitted to withdraw 50% of the decretal amount deposited on behalf of appellant-Acquiring Body in the present proceeding of First Appeal on furnishing undertaking to the effect that in case contingency, if any, arises in future after adjudication of appeal on merit in favour of appellants, the applicant-claimant would refund the amount so withdrawn forthwith, as per order of this Court in the present proceeding. The applicant-claimant is 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 Appeal, whichever is earlier. The Registrar (Judicial) to do the needful for disbursement of the amount to the applicant-claimant as directed above.

6. The Civil Application stands disposed of in above terms.

Sd./-

[K. K. SONAWANE]
JUDGE