

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

**948 CIVIL APPLICATION NO.2570 OF 2020
IN FA/2264/2019**

**UTTAM VISHWANATHRAO MHASKE AND ANR
VERSUS
THE STATE OF MAHARASHTRA AND ANR**

...
Advocate for Applicants : Mr. Hansraj B. Pawar
AGP for Respondent No. 1 : Mr. S.N. Morampalle
Advocate for Respondent No. 2 : Mr. V.R. Sonwalkar (Absent)
...

CORAM : K.K. SONAWANE, J.

DATED : 27th FEBRUARY, 2020.

ORDER :-

1. Heard learned counsel for the applicants and learned AGP for respondent No. 1- State of Maharashtra. When the matter is called out, no one else appeared on behalf of respondent No. 2- Acquiring Body.

2. Present application is moved by applicants - original claimants seeking permission to withdraw the decretal amount deposited in this court as per order passed by this Court dated 25-06-2019 in Civil Application No. 1827 of 2017. Pursuant to order of this Court, the appellant-Acquiring Body deposited 50% total sum of decretal amount enhanced by learned Reference Court in LAR proceeding bearing No. 679 of 2003.

3. Admittedly, the applicants are original claimants, claimed enhanced compensation under Section 18 of the Land Acquisition Act, 1894. The learned Reference Court appreciated the circumstances on record and partly allowed the Reference filed by claimants under Section 18 of the Land Acquisition Act, 1894.

However, the appellant -Acquiring Body did not satisfy with the rate awarded by learned Reference Court and preferred the present first appeal before this Court.

4. Learned counsel for applicant submits that Land Acquisition Officer has awarded compensation @ Rs.1200/- per R i.e. Rs. 48,000/- per Acre. However, learned Reference Court granted enhancement of determination of market value of the acquired land at the rate of Rs.1,50,000/- per Acre. Taking into consideration the circumstances on record and factum of deposit of 50% of the decretal amount as granted by the Reference Court, there is no impediment to allow the applicants to withdraw 50% amount on certain terms and conditions.

5. Accordingly, civil application stands allowed. The applicants are allowed to withdraw 50% of the decretal amount on furnishing undertakings to the effect that in case adverse situation arises after decision of the appeal in favour of the appellant-Acquiring Body, the applicants original claimants would refund the entire amount so withdrawn by them as per orders of this court, within stipulated period. Registry to do the needful for disbursement of the amount in favour of the applicants-original claimants as directed above.

6. Accordingly, present civil application stands disposed of in above terms.

Sd/-

[K. K. SONAWANE]
JUDGE