

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3275 OF 2020
IN FIRST APPEAL (ST.) NO. 40614 OF 2019

SHANKAR SHIVRAM PATIL AND OTHERS
VERSUS
THE COLLECTOR, JALGAON THROUGH SPECIAL LAND
ACQUISITION OFFICER, JALGAON AND ANOTHER

...
Mr. More Kumar Gaurav M., Advocate for applicants
Mrs. D.S. Jape, AGP for respondent – State

...

CORAM : SUNIL P. DESHMUKH &
B.U. DEBADWAR, JJ.
DATE : 13-03-2020

ORDER :

1. Heard learned counsel for appearing parties.
2. Pursuant to order passed on interim relief application, the acquiring body and the State have deposited 50% of the amount and same is lying in this court.
3. Learned counsel for applicants – claimants submits that their valuable property has been acquired and the loss of property is not properly compensated. Applicants require the amount of compensation for various purposes, including creation of assets and to satisfy their daily medical, educational and family needs. They are in need of the amount of compensation of which only 50% has been deposited. Learned counsel further refers to various orders

passed by this court as well as supreme court, wherein claimants have been allowed to withdraw 50% of the amount on undertaking and rest of the 50% amount by furnishing solvent security / surety and/or bank guarantee.

4. Learned Assistant Government Pleader appearing for acquiring body contends that the enhancement and rate of compensation has been too steep to bear the real value of the land acquired. According to learned Assistant Government Pleader, in all likelihood, the amount of compensation and the rate is likely to be scaled down after decision in the first appeal.

5. Having regard to aforesaid and while 50% of the awarded amount has been deposited, it would be proper to allow the claimants-applicants to withdraw amount deposited, subject to following conditions :

- (I) 50% from the amount deposited in this court be allowed to be withdrawn by claimants on furnishing an undertaking indemnifying the State government and acquiring body against all the claims in respect of the amount of compensation being withdrawn and that in case the decision in first appeal is adverse to their interest, the required amount pursuant to decision of the court, would be paid back and deposited in this court within a period of eight (8) weeks from the date of such decision.

(II) Balance of 50% from the amount deposited after withdrawal of aforesaid amount, be allowed to be withdrawn by claimants on furnishing solvent security / surety to the satisfaction of the Registrar (Judicial) of this court.

6. Civil applications accordingly is disposed of.

[B.U. DEBADWAR]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

arp/