

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

944 CIVIL APPLICATION NO. 4838 OF 2020
IN
FIRST APPEAL STAMP NO. 35102 OF 2019

VIDYABAI WAMANRAO PATIL AND ORS.
VERSUS
THE EX. ENGINEER, WAGHUR DAM
DIVISION, JALGAON AND ORS.

...
Mr. A.J.Patil, Advocate for
applicants.
Mr. S.D.Dhongade, Advocate for R-1.
Mr. S.Y.Mahajan, A.G.P. for State.

...
CORAM : V.L.ACHLIYA, J.
DATE : 21/08/2020
...

PER COURT :

1. The applicants-claimants have filed this application seeking withdrawal of amount deposited by appellants. It is submitted that the amount of Rs. 53,70,500/- has been deposited by the acquiring body in terms of Award passed by Tribunal.
2. Heard learned counsel for applicants-claimants and counsel representing the appellants/acquiring body. Perused the Award.
3. In brief, it is the contention of learned counsel for appellants that the appellants have good case to

succeed in Appeal. The land in question is a jirayat land. The Special Land Acquisition Officer awarded compensation @ Rs. 1,41,000/- per Hectar which has been enhanced to Rs. 4 Lakhs per Hectar by the Reference Court by treating the land as irrigated land. There is no evidence to prove that the land acquired was irrigated land. It is further submitted that the interest has been awarded from the date of taking possession in stead of date of passing of Award in terms of Full Bench decision of this Court.

4. On the other hand, learned counsel for appellants submits that the enhancement made by the Reference Court is within the bounds of law. It is submitted that in respect of land acquired for same project from same village, the appellants have settled the claims made by other claimants.

5. On due consideration of submissions advanced, I am inclined to pass the following order.

ORDER

[i] The applicants are permitted to withdraw the amount to the extent of 60% of the amount deposited on furnishing undertaking to the effect that in case the award passed by Reference Court is modified, the applicants shall re-deposit the amount within eight weeks from the date of passing of order

by this Court.

[ii] After making payment of 60% to applicants, the balance amount be invested in Fixed Deposit initially for a period of three years with standing instructions to re-invest the amount till further orders from this Court.

[iii] The amount be paid to the applicants by transferring the amount in their savings bank account. No amount be paid to the person other than claimants including the power of attorney holder.

6. The application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP