

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

**CIVIL APPLICATION NO. 5134 OF 2020
IN
FIRST APPEAL (STAMP) NO.15477 of 2019**

Udhavrao S/o Ashruba Late
(Died) Through his L.Rs.
a) Prayagbai Uddhavrao Late
and others.

..APPLICANTS

-VERSUS-

Executive Engineer,
Nimna Dudhana Prakalp

..RESPONDENT

...

Mr.M.P. Tripathi, Advocate for the
applicants-claimants

Mr. S.G. Sangle, Advocate for Respondent
No.1.

Mr.P.K. Lakhotiya, AGP for respondent/State

...

CORAM: V.L. ACHLIYA,J.

DATE : 04.09.2020

ORAL ORDER:

The applicants-claimants have moved this application seeking withdrawal of amount of Rs.14,38,253/- deposited by the appellant-acquiring body.

2. Heard learned counsel for applicants- claimants and Advocate representing the respondent no.1 - acquiring

body. Perused the judgment and award.

3. In brief, it is the contention of learned counsel that the compensation awarded by the Special Land Acquisition Officer @ Rs.527/- per R has been enhanced by the Reference Court @ Rs.1200/- per R by treating the land as semi irrigated land. It is submitted that the compensation awarded on account of fruit bearing trees is not sustainable.

4. Considering the challenge raised in appeal, I am of view the applicants deserve to be permitted to withdraw the amount to the extent of 75% of amount deposited. Hence the following order:-

ORDER

(i) The applicants are permitted to withdraw the amount to the extent of 75% of amount deposited on furnishing the written undertaking to the effect that in case, the award is set aside or modified, the applicants shall redeposit the amount within 8 weeks from the date of order.

(ii) The application is disposed of in
above terms.

[V.L. ACHLIYA]
JUDGE

SGA