

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CIVIL APPLICATION NO.5311 OF 2020  
IN FIRST APPEAL (STAMP) NO.3126 OF 2019

LALKHAN CHANDKHAN PATHAN AND ORS.

VERSUS

THE EXECUTIVE ENGINEER, MINOR PROJECT (PT)  
LOCAL SECTOR JALNA AND ORS.

...

Mr.V.D. Bhise, Advocate for applicants  
Mr.R.V. Dhasalkar, 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 deposited by the appellant- acquiring body.

2. Heard learned counsel for applicants- claimants and learned AGP for respondent/State. Perused the judgment and award.

3. In brief, it is the contention of learned counsel for the applicants that the appeal filed is devoid of merit. The Trial Court has passed the award after due analysis of evidence adduced in the case seeking enhancement. It is submitted that the land acquired was irrigated land. The Special Land

Acquisition Officer has determined the compensation without considering the land being irrigated land.

4. On the other hand, learned A.G.P. appearing for the appellants submits that the enhancement is about 9 to 10 times of the compensation awarded by the S.L.A.O. and the appellants have good case to succeed in appeal.

5. On due consideration of submissions advanced and taking into consideration the enhancement is about 9 to 10 times of the compensation awarded by the S.L.A.O., I am of the view, the applicants deserve to be permitted to withdraw the amount to the extent of 50%. Hence the following order is passed :-

**ORDER**

(i) The applicants are permitted to withdraw the amount deposited to the extent of 50% on furnishing written undertaking before the Executing Court that in the event the award is set aside or modified, they shall redeposit the same within eight weeks from the date of passing of order.

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

**[V.L. ACHLIYA]**  
**JUDGE**

SGA