

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

**907 CIVIL APPLICATION NO. 5433 OF 2020
IN
FIRST APPEAL NO. 740 OF 2020**

BALKRISHANA VISHNUDAS MANTRI AND ANR.

VERSUS

**THE EXECUTIVE ENGINEER, MINOR IRRIGATION
DIV. OSMANABAD AND ANR.**

WITH

CIVIL APPLICATION NO. 5432 OF 2020

IN

FIRST APPEAL NO. 741 OF 2020

RAMESH NANDLAL MANTRI

VERSUS

**THE EXECUTIVE ENGINEER, MINOR IRRIGATION
DIV. OSMANABAD AND ANR.**

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Mr. S.S.Rathi, Advocate for Applicants.

Mr. J.R.Patil h/f Mr. G.B.Rajale,
Advocate for R-1.

Mr. P.K.Lakhotiya, A.G.P. for R-2.

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CORAM : V.L.ACHLIYA, J.

DATE : 18/09/2020

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ORAL ORDER :

1. The applicants/claimants have moved these applications seeking withdrawal of amount deposited by appellant/acquiring body.

2. Heard learned counsel for applicants/claimants and learned counsel for respondent No. 1 - acquiring body.

3. In brief, it is the contention of learned counsel

for applicants/claimants that the Appeals filed are devoid of merit. The enhancement of compensation by Reference Court is based upon due assessment and analysis of evidence adduced in the case. It is submitted that the Special Land Acquisition Officer has awarded the compensation @ Rs. 225/- per R. for Jirayat land as well as semi irrigated land. The Reference Court has enhanced the same @ Rs. 1,225/- per R. for jirayat land and Rs. 1,834/- per R. for semi irrigated land.

4. Learned counsel for appellants submits that the Appellants have good case to succeed in Appeal. The enhancement of compensation is more than 4 times the compensation awarded by Special Land Acquisition Officer. There is no evidence as such to justify the enhancement of compensation.

5. As per the record in F.A.No. 740 of 2020, the amount of Rs. 5,64,460/- has been deposited. In F.A. and 741 of 2020 the amount of Rs. 97,541/- has been deposited by the acquiring body. The applicant has moved this application seeking withdrawal of said amount.

6. Having considered the submissions advanced and taken note that the applicants/claimants are fighting for their legitimate right to receive compensation from the year 1996, I am of the view

the applicants be allowed to withdraw the amount to the extent of 80% deposited in their case on furnishing written undertaking to the effect that in case Award is set aside or modified, the applicants shall redeposit the amount within eight weeks from the date of passing of such order. Hence, the following order.

ORDER

[i] The applications are allowed.

[ii] The applicants/claimants are permitted to withdraw the amount to the extent of 80% of the amount deposited in their respective appeals on furnishing written undertaking to the effect that in case Award is set aside or modified, the applicants shall redeposit the amount within eight weeks from the date of passing of such order.

[iii] The amount be paid to applicants by transferring the amount in their respective savings bank account as per the particulars of bank account to be furnished by the applicants.

7. The applications are disposed of in above terms.

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