

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

**CIVIL APPLICATION NO. 6792 OF 2020
IN
FIRST APPEAL STAMP NO.16612 OF 2019**

Shriniwas s/o Hanumandas Bhargav
(Died) Through his L.Rs.

1. Brijlal s/o Shrinivas Bhargav and ors ... Applicants

Versus

The State of Maharashtra and another ... Respondents

....

Mr. G. K. Sontakke, Advocate for applicants

Mr. S. K. Tambe, AGP for respondent – State

Mr. Shyam C. Arora, Advocate for respondent No.2

....

**CORAM : SUNIL P. DESHMUKH AND
R. G. AVACHAT, JJ.**

DATED : 27th OCTOBER, 2020

ORDER :-

1. Heard learned counsel for applicants/claimants. He contends that land of the applicants has been acquired way back in 1994. The Land Acquisition Officer had granted a very meagre compensation for their acquired land. They have been deprived since 1994 of their principle source of earnings. The reference court, though, has enhanced the amount of compensation, yet, the same is not in tune with the market price. In the circumstances, first appeal has been preferred by the acquiring body and State and the same is pending.

2. Almost 25 years are over and yet, the enhanced amount of compensation has not been paid to the claimants. They are in dire of need of the amount. They are having lot of liabilities to be discharged. He, therefore, urges to allow claimants to withdraw amount of compensation deposited in this Court.

3. Mr. Arora, learned counsel appearing for acquiring body, however, submits that enhancement in land acquisition compensation by reference court is exorbitant. The evidence does not support the rate of enhancement. He purports to submit various aspects involved in the matter.

4. Having regard to that, there is no particular dispute on that the land is not in possession of claimants since 1994, and claimants have not been paid enhanced amount since 2013, we deem it appropriate to allow the claimants/applicants to withdraw 75 per cent of amount deposited in this court, on following conditions:

- (a) From the amount deposited in this court, 50 per cent amount be allowed to be withdrawn by claimants on furnishing an undertaking on affidavit in this court to the effect that claimants/applicants would redeposit the

required amount in this court in tune with the decision, within a period of eight weeks from the date of decision in first appeal, in case the same is adverse to the interest of claimants.

- (b) Further 25 per cent of the amount from deposited amount be withdrawn by the claimants on furnishing solvent security to the satisfaction of the Registrar (Judicial) of this court.
- (c) Balance 25 per cent amount be invested in a nationalised bank in a fixed deposit earning interest.

5. Civil application is accordingly disposed of.

[R. G. AVACHAT, J.]

[SUNIL P. DESHMUKH, J.]

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