IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 CIVIL APPLICATION NO.7547 OF 2020
IN FAST/40937/2019 WITH CA/7575/2020
IN FAST/41153/2019 WITH CA/7574/2020
IN FAST/41142/2019

SUBHASH VITTHALRAO DESHMUKH (DIED) THR LRS TRIVENIBAIAND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ANR.

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Mr. B.M.Dhanure, Advocate for Applicants.
Mr. P.M.Kulkarni, A.G.P. for R -1.
Mr. B.R.Surwase, Advocate for R – 2.

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CORAM : V.L.ACHLIYA, J.
DATE : 16/12/2020

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ORAL ORDER :

1. The applicants/claimants have moved these applications seeking withdrawal of amount.

2. Learned counsel for appellants opposed the applications with the contention that the enhancement is excessive. It is submitted that the compensation awarded by the Reference Court is 9 to 10 times the compensation assessed by the Special Land Acquisition Officer. So also, the interest has been awarded from the date of notification which is contrary to Full Bench decision of this Court in the case of *State of Maharashtra V/s Kailash Shiva Rangari reported in 2016 (3) AIR Bom. R. - 742*.

3. Learned counsel for applicants supported the

Judgment and Award passed by the Reference Court and submits that Appeals are devoid of merit. It is submitted that the Reference Court has rejected the sale instance and the compensation has been awarded on the basis of References dealing with acquisition of some lands decided by the Reference Court i.e. decision in L.A.R. Nos. 602/2020, 603/2020 and 604/2020. So also, the Reference Court has taken into consideration the sale deed in respect of similarly situated land at same village wherein sale transaction has taken place @ Rs. 8,00,000/- per Acre of the land adjacent to the land acquired.

4. On due consideration of the submissions advanced in the light of challenge raised in Appeals, I am of the view the following order would meet the ends of justice.

ORDER

[i] The applicants in respective Appeals are permitted to withdraw the amount to the extent of 50% deposited by the appellants on furnishing written undertaking to the satisfaction of the Court that in the event the Award is set aside or modified, the applicants shall re-deposit the amount within eight weeks from the date of passing such order.

[ii] After making the payment to the extent of 50%, the balance amount be invested in fixed deposit in any Nationalized bank if not already fixed.

[iii] The withdrawal of amount shall be subject to out come of Appeals.

[iv] The amount be paid to the claimants by transferring the amount in their respective savings bank account.

[v] No amount to be paid to the power of attorney holder or any third person.

5. The applications are disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP