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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.6632 OF 2020
IN
FIRST APPEAL STAMP NO. 35150 OF 2019

Godavaribai Dattu Mahajan Through GPA

APPLICANT

VERSUS

The Executive Engineer, Waghur Dam Division,
Jalgaon and Others

RESPONDENTS

.....

Mr. V. B. Patil, Advocate for the applicants

Mr. S. S. Dande, AGP for respondents - State

Mr. S. D. Dhongade, Advocate for respondents No. 1 & 2

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AND
CIVIL APPLICATION NO.6631 OF 2020
IN
FIRST APPEAL STAMP NO. 35156 OF 2019

AND
CIVIL APPLICATION NO.6633 OF 2020
IN
FIRST APPEAL STAMP NO. 35159 OF 2019

AND
CIVIL APPLICATION NO.6634 OF 2020
IN
FIRST APPEAL STAMP NO. 35153 OF 2019

AND
CIVIL APPLICATION NO.6635 OF 2020
IN
FIRST APPEAL STAMP NO. 35163 OF 2019

AND
CIVIL APPLICATION NO.6636 OF 2020
IN
FIRST APPEAL STAMP NO. 35170 OF 2019

AND
CIVIL APPLICATION NO.6638 OF 2020
IN
FIRST APPEAL STAMP NO. 35167 OF 2019

[CORAM : SUNIL P. DESHMUKH AND
M. G. SEWLIKAR, JJ.]

DATE : 4th NOVEMBER, 2020

ORDER :

1. These are applications filed on behalf of the claimants seeking withdrawal of amount deposited by the acquiring body in this court.

2. Learned advocate for the claimants contends that their lands - principal source of their income, has been taken over under acquisition proceedings since 2007. Land acquisition officer had granted meagre compensation. References were required to be preferred to civil court by the claimants. Reference court although has enhanced amount of compensation, yet, it is not in tune with the prevailing market rate of land in the area, on the date of notification under section 4 of the Land Acquisition Act. The enhanced compensation has not been received at the end of the claimants and it has been only partially deposited despite order of this court to deposit entire amount, as per reference court award. The claimants are in dire need of the amount of compensation. They have incurred

lot of liabilities during all these years and for want of compensation, their economic as well as social position has dwindled and they are facing embarrassing situations in the society. He, therefore, urges to allow the claimants to withdraw the amount deposited in this court.

3. Learned advocate for the applicants – claimants further additionally refers to that in almost all the cases, the claimants have been allowed to withdraw entire amount deposited.

4. Though contentions on behalf of the claimants are sought to be resisted, yet, veracity has not been pierced and need of the claimants has not been seriously disputed.

5. In the circumstances, we deem it appropriate to pass following order:

ORDER

a. The applicants – claimants are allowed to withdraw 50% of the amount presently deposited, on the condition of filing an undertaking on affidavit to the effect that the amount being withdrawn from this court would be re-deposited as would be required in tune with the decision in the first appeals if it is adverse to the interest of the claimants, within a period of eight weeks from the date of

such decision.

b. Balance of the amount presently deposited be allowed to be withdrawn by the applicants – claimants on the condition of furnishing solvent security to the satisfaction of the Registrar (Judicial) of this court.

6. Civil applications stand disposed of.

[M. G. SEWLIKAR]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE