

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

**CIVIL APPLICATION NO. 7906 OF 2020
IN
FIRST APPEAL NO. 3050 OF 2019**

Lalasaheb Narayan Mule ..APPLICANT

VERSUS

State of Maharashtra and Others ..RESPONDENTS

....

Mr. S.V. Gundre, Advocate for applicant

Mr. S.P. Sonpawale, A.G.P. for respondent – State

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**WITH
CIVIL APPLICATION NO. 7907 OF 2020
IN
FIRST APPEAL NO. 3051 OF 2019**

Narsing Rangnath Deshmukh ..APPLICANT

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. S.V. Gundre, Advocate for applicant

Mr. S.P. Sonpawale, A.G.P. for respondent – State

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**WITH
CIVIL APPLICATION NO. 7908 OF 2020
IN
FIRST APPEAL NO. 3052 OF 2019**

Nirmalabai Bhausahab Deshmukh ..APPLICANT

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. S.V. Gundre, Advocate for applicant

Mr. S.P. Sonpawale, A.G.P. for respondent – State

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**WITH
CIVIL APPLICATION NO. 7909 OF 2020
IN
FIRST APPEAL NO. 3053 OF 2019**

Subhash Sadappa Bhandare

..APPLICANT

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. S.V. Gundre, Advocate for applicant

Mr. S.P. Sonpawale, A.G.P. for respondent – State

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

DATED : 09th DECEMBER, 2020

PER COURT :

These civil applications are filed by claimants for withdrawal of land acquisition compensation amount deposited in this court.

2. Learned counsel for claimants submits that the acquisition has taken place in 2004 and since then, they have only received the amount of compensation awarded by Special Land Acquisition Officer ('S.L.A.O.'), however have not received any amount towards enhanced compensation pursuant to decision of reference court. Learned counsel purports to contend that claimants require the amount for various purposes and are in need of the same.

3. During the course of submissions learned counsel for claimants refers to order dated 13th April, 2017 in Civil Application No. 5194 of 2016, contending that said order has been passed by the learned single Judge in a matter arising out of decision by reference court in respect of land acquired from same village, for same project and under same notification, wherein he had allowed claimants to withdraw 75% of amount on certain conditions viz; 25% on furnishing undertaking, 25% on furnishing solvent surety and 25% on furnishing bank guarantee of nationalized bank and in another matter has even allowed to furnish bank guarantee of scheduled/co-operative bank. It is, therefore, urged that claimants be allowed to withdraw the entire amount deposited in this court.

4. On the other hand, learned A.G.P. submits that while S.L.A.O. had granted compensation at the rate of Rs.1,150/- per *Are*, enhancement in the same has been too steep and compensation has been granted on per square foot basis at the rate of Rs.166/- in reference decision. He further submits that enhancement under reference decision would not commensurate with evidence on record. It would emerge that evidence would not bear such a steep rise in rate of compensation. He, therefore, urges that the order passed by learned single Judge may not be taken as guide in the present situation.

5. S.L.A.O. had granted compensation considering larger area as the basis for determination of compensation at a particular rate and reference

court appears to have considered a smaller area as the basis for determination of compensation. In the circumstances, enhancement turns out to be almost 160 times more than the one granted by S.L.A.O.

6. In the circumstances, it would be expedient that claimants are allowed to withdraw 50% of the deposited amount on following conditions :-

(a) The claimants are allowed to withdraw 25% of the amount deposited in this court on filing undertaking to the effect that in case decision goes adverse to their interest in first appeal, they would refund/re-deposit/pay back the amount in this court within a period of eight weeks of the decision in first appeal as would be required pursuant the decision.

(b) 25% of the amount deposited be allowed to be withdrawn by claimants on furnishing solvent surety/security to the satisfaction of Registrar (Judicial) of this court.

7. Civil applications accordingly stand disposed of.

(R.G. AVACHAT, J.)

(SUNIL P. DESHMUKH, J.)

SSD