

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

948 CIVIL APPLICATION NO.1074 OF 2020
IN FA/35/2020

RAMLING VITHOBA INGALE (DIED) THR LRS MAINABAI AND ORS
VERSUS
THE EXECUTIVE ENGINEER, IRRIGATION DIVISION, OSMANABAD AND ORS

...
Advocate for Applicants : Mr. Vivekanand B. Deshmukh
AGP for Respondent No.2: Mr. S.P. Deshmukh

CORAM : K.K. SONAWANE, J.

DATE : 29th JANUARY, 2020.

PER COURT:

Heard learned counsel for the applicant and learned AGP for the respondent No.2 State of Maharashtra. Despite service of notice nobody appears for respondent No.1 Acquiring Body.

Perused the application and other relevant documents. It has been contended that the learned Reference Court considered the location and potentiality of the acquired land and granted meager compensation, however, the claim for structure, pipeline, trees etc. has been rejected. The Land Acquisition Officer granted compensation @ Rs. 1610/- and 1726 per R, but the Reference Court has granted enhancement of Rs. 15,000/- per R.

2] On perusal of the factual aspects and the location of the land nearer to the Osmanabad city, I find it justifiable to allow the applicants to withdraw some portion of the compensation amount deposited in this court by the Acquiring Body. Definitely, it would sub-serve the purpose in the interest of justice.

3] Accordingly, the application stands allowed In terms of prayer clauses (A) and (B). The applicants are permitted to withdraw 50% of the compensation amount deposited in this court by the Acquiring Body on furnishing an undertaking to the satisfaction of the Registrar (Judicial) of this Court, to the effect that in case any adverse situation arises after adjudication of the appeal on merit, in favour of appellant State, the applicants will refund the amount forthwith as per the directions of this Court. The applicants are further allowed to withdraw 25% of the amount of compensation deposited in this court, subject to condition that the applicants shall furnish solvent surety of like amount to the satisfaction of the Registrar (Judicial) of this court. Rest of the balance 25% of the amount be invested in any Nationalized bank for a period of two years or till adjudication of appeal on merit, whichever is earlier. Registry to do the needful for disbursement of amount as referred supra, in favour of the applicants. Application for withdrawal of amount stands disposed of accordingly.

[K.K. SONAWANE]
JUDGE.

Grt/-.