

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

**CIVIL APPLICATION NO.3122 OF 2021
AND
CIVIL APPLICATION NO.7639 OF 2020
IN
FIRST APPEAL ST. NO.1998 OF 2020**

Bandusing Ganpatsing Thakur (deceased),
through L.Rs.

1-a) Kusumlata Bandusing Thakur and ors. ..Applicants

Vs.

The State of Maharashtra and ors. ..Respondents

Mr.Vaibhav Deshmukh, Advocate h/f. Mr.A.B.Kale, Advocate for
applicants

Mr.A.M.Phule, AGP for respondent-State

Mr.M.K.Goyanka, Advocate for respondent-Maharashtra State Transport

**CORAM : R.G. AVACHAT, J.
DATE : OCTOBER 05, 2021**

ORDER :-

Heard learned counsel appearing for the parties. Perused
the impugned award.

2. Learned counsel for the appellant-acquiring body would
submit that the land acquired is agricultural one. The S.L.A.O. has,
however, granted compensation at the rate of little over Rs.37 per
square metre. The sale instances relied upon are from Bhusawal town,

whereas the land acquired is situated at village Kandari. The distance between the two is of little over 6 kms. According to learned counsel, the reference court ought not to have increased the amount of compensation offered by the S.L.A.O. He, therefore, urged for rejection of the applications.

3. Learned counsel for the applicants/claimants would, on the other hand, submit that in paragraph 12 of the impugned judgment, the reference court has observed that the land is situated within the Municipal limits. The same has been acquired for construction of S.T. depot and quarters for it's employees. As such, the land has N.A. potentiality. Inadequate compensation has been granted.

4. After having considered the rival submissions, the applicants are permitted to withdraw 50% of the amount in deposit; 25% amount be paid on furnishing usual undertaking and 25% amount be paid on furnishing solvent security/surety or bank guarantee.

5. The amount be transferred to the reference court at Bhusawal, for being paid to the applicants/claimants there. The

undertaking and other documents once furnished, be transmitted to the Registry of this court immediately.

6. The applications stand disposed of accordingly.

7. Considering the issue involved, the appeal would be heard finally at admission stage.

[R.G. AVACHAT, J.]

KBP