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

**903 CIVIL APPLICATION NO.3505 OF 2021
IN FA/829/2020**

RANJANA JIVAN JAHAGIRDAR AND ORS
VERSUS
EX. ENGINEER, MINOR IRRIGATION JALGAON AND ANR

...
Advocate for Applicants : Mr. Borde Kishorkumar B
AGP for Respondents : Mr. P.N. Kutti
Advocate for Respondent Nos.1 & 2 : Mr. Rajendra Deshmukh, Senior
Counsel i/b Mr. A.D. Pawar

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**CORAM : UJJAL BHUYAN &
M.G. SEWLIKAR, JJ.**

DATED : 07th APRIL, 2021

PER COURT:-

1. Heard Mr. Borde, learned counsel for the applicants; Mr. Deshmukh, learned senior counsel for respondent nos.1 & 2; and Mr. Kuttin, learned AGP for the respondents/State.

2. This civil application has been filed by the applicants seeking leave of the Court to withdraw the enhanced compensation amount deposited in the Court by the respondents.

3. Be it stated that land belonging to the applicants were acquired by the respondents for execution of project Kaang for which land acquisition compensation amounting to Rs.1,37,89,648.00 along with statutory benefits was awarded by the Special Land Acquisition Officer.

4. Seeking enhancement of the compensation amount, applicants made reference application under section 18 of the Land Acquisition Act, 1894 before the Competent Civil Court at Jalgaon which

was registered as L.A.R. No.458/2012. By the judgement and award dated 20.12.2019, the compensation amount had been enhanced. Aggrieved by the same, respondents have preferred First Appeal No.829/2020 before this Court. By order dated 10.12.2020, this Court had directed the respondents (appellants) to deposit 100% of the enhanced amount. However, respondents filed S.L.P. No.131/2021 before the Supreme Court and by order dated 25.01.2021, Supreme Court directed that instead of 100%, the deposit be reduced to 25% further observing that it would be open to the respondents (applicants herein) to approach the High Court for appropriate relief relating to release of the 25% amount deposited by the appellants (respondents herein).

5. Accordingly, the present application has been filed. Respondent nos.1 and 2 have filed affidavit in reply taking the stand that the reference Court was not at all justified in enhancing the compensation already awarded by almost 24 times.

6. Mr. Deshmukh, learned senior counsel appearing for respondent nos.1 and 2 have pointed out various anomalies in the order passed by the reference Court and submits that the enhancement is exorbitant and would not stand the scrutiny of the Court. He further submits that the initial amount of compensation awarded by the Special Land Acquisition Officer has already been disbursed to the applicants.

7. Be that as it may, having regard to the order dated 25.01.2021 passed by the Supreme Court, we direct that 50% i.e. half of the 25% of enhanced compensation deposited in the Court by the respondents be allowed to be withdrawn by the applicants on furnishing

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their personal undertakings on usual terms and subject to proper identification. Remaining 50% i.e., half would remain in the registry which shall be kept in fixed deposit(s).

8. Civil application is accordingly disposed of.

[M.G. SEWLIKAR, J.]

[UJJAL BHUYAN, J.]

Mujaheed//