

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

**CIVIL APPLICATION NO.6085 OF 2020
IN FA/2627/2019**

ASHOK SOPAN HOLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Applicants : Mr.Laxmikant C. Patil
Advocate for Respondent Acquiring Body : Mr.Ruturaj C. Patil

**WITH CA/6086/2020 IN FA/2628/2019
WITH CA/6087/2020 IN FA/2636/2019
WITH CA/6088/2020 IN FA/2639/2019
WITH CA/6089/2020 IN FA/2626/2019
WITH CA/6090/2020 IN FA/2630/2019
WITH CA/6091/2020 IN FA/2631/2019
WITH CA/6092/2020 IN FA/2635/2019
WITH CA/6093/2020 IN FA/2638/2019
WITH CA/6094/2020 IN FA/2634/2019
WITH CA/6096/2020 IN FA/2629/2019**

CORAM : M.G.SEWLIKAR, J.

DATE: 1st April, 2021

PER COURT:-

1. Heard Mr.Laxmikant.C.Patil, learned counsel for the applicants and Mr.Ruturaj.C.Patil, learned counsel for the acquiring body.
2. Learned counsel for the applicants has tendered across the Bar, the order passed by this Court in other matters arising out of the same project in which 40% amount has been released on some conditions.

3. Mr.Ruturaj C.Patil, learned counsel for the acquiring body vehemently opposed for release of 40% of the compensation amount on the ground that the reference Court has enhanced the amount of compensation for trees by 50%. He further submitted that the learned reference Court has awarded interest under Section 28 of the Land Acquisition Act from the date of possession even when possession was taken prior to the date of Notification.

4. In view of this, I deem it appropriate to permit the applicants to withdraw 40% amount out of the amount deposited by the acquiring body. Out of the total amount of compensation deposited by the acquiring body, 40% amount be paid to the applicants on furnishing undertaking on usual terms to the satisfaction of the Registrar (Judicial). Remaining amount be deposited in Fixed Deposit.

5. Civil applications stand disposed of.

(M.G.SEWLIKAR)
JUDGE

SPT