

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7162 OF 2020 IN
FIRST APPEAL NO. 1689 OF 2020

Manisha Shirish Kande

Applicant

Versus

The State of Maharashtra & others

Respondents

WITH
CIVIL APPLICATION NO. 7164 OF 2020 IN
FIRST APPEAL NO. 1682 OF 2020
WITH
CIVIL APPLICATION NO. 7165 OF 2020 IN
FIRST APPEAL NO. 1683 OF 2020
WITH
CIVIL APPLICATION NO. 7166 OF 2020 IN
FIRST APPEAL NO. 1684 OF 2020
WITH
CIVIL APPLICATION NO. 7167 OF 2020 IN
FIRST APPEAL NO. 1686 OF 2020
WITH
CIVIL APPLICATION NO. 7168 OF 2020 IN
FIRST APPEAL NO. 1685 OF 2020

Mr. L.C. Patil, Advocate for the applicant/s.
Mr. A.V. Deshmukh, AGP for respondents No. 1 and 2.
Mr. S.C. Arora, Advocate for respondent-acquiring body.

CORAM : M.G. Sewlikar, J.
DATE : 8th January, 2021.

PER COURT :

1. Heard Shri L.C. Patil, learned counsel for the applicant/s
and Shri Arora, learned counsel for the acquiring body.

2. Learned counsel Shri Patil 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. Shri Arora, 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 applicant/s 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 applicant/s on furnishing undertaking on usual terms to the satisfaction of the Registrar (Judicial). Remaining amount be deposited in Fixed Deposit.

5. Civil application stands disposed of.

(M. G. SEWLIKAR)
JUDGE

dyb