

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

**CIVIL APPLICATION NO.5413 OF 2021
IN FIRST APPEAL ST. NO.35105 OF 2019**
(Chindhu s/o. Govinda Patil (Ghodke), died
through L.Rs. Kashabai Chindhu Ghodke and ors.

Vs.

The Executive Engineer, Waghur Dam Section, Jalgaon and ors.)

Mr.Vinod Patil, Advocate for applicants
Mr.A.D.Pawar, Advocate for respondent nos.1 and 2
Mr.S.N.Kendre, AGP for respondent no.3

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 17, 2021**

ORDER :-

This is an application for withdrawal of amount deposited by the acquiring body.

2. Learned counsel for the respondent/acquiring body submits that on the date of the notification under Section 4 of the Land Acquisition Act, it was an agricultural land. The S.L.A.O. granted compensation considering it to be agricultural land. The reference Court, however, awarded compensation considering it to be non-agricultural land and as such, the enhancement is sky-touching. Learned counsel has strong objection for withdrawal of the entire amount deposited. According to him, in connected matter, the amount permitted to be withdrawn, is small one.

2. In the given circumstances, the applicants are permitted to withdraw 50% of the amount deposited; 25% amount be paid on furnishing usual undertaking to the satisfaction of learned Registrar (Judicial) of this Court; and 25% amount be paid on furnishing solvent security/surety.

3. The application stands disposed accordingly.

[R.G. AVACHAT, J.]

KBP

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

FIRST APPEAL NO.922 OF 2021

(The Executive Engineer,
Waghur Dam Section, Jalgaon and ors.

Vs.

Chindhu s/o. Govinda Patil (Ghodke), died
through L.Rs. Kashabai Chindhu Ghodke and ors.)

Mr.A.D.Pawar, Advocate for appellants

Mr.Vinod Patil, Advocate for respondent nos.1-A, 1-B and 2 and 3

CORAM : R.G. AVACHAT, J.

DATE : AUGUST 17, 2021

ORDER :-

Learned counsel agreed to work out the matter finally at admission stage. Call Record and Proceedings. Stand over after six weeks.

[R.G. AVACHAT, J.]

KBP