

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.1112 OF 2021
IN
FIRST APPEAL (ST) NO.15793 OF 2018

Shrirang Subrao Pandre (deceased) & Ors. .. Applicants

Versus

The Executive Engineer and Ors. .. Respondents

.....
Mr. Tejpal Shrikant Ingale, Advocate for the Applicant.

Mr. Yogesh Dabake, AGP for Respondents.
.....

CORAM : MILIND N. JADHAV, J.

DATE : MAY 05 2021.

(Through Video Conferencing)

P.C.:

Heard.

2. The present Interim Application seeks withdrawal of amount of Rs.10,00,000.00 out of the amount of Rs.15.14.328.00 deposited in the Reference Court.

3. Briefly stated, the present case pertains to Land Acquisition compulsory acquisition of land belonging to the original claimants for construction of Khojanwadi minor irrigation project. The award under Section 11 of the Land Acquisition Act was passed on 31.12.2005 and even after 16 long years, the Applicants are yet to receive the

compensation amount. This shows the sorry of state of affairs in cases where land is compulsory acquired and people like the Applicants have to move the Court time and again.

4. In the present case, the Joint Judge, Senior Division, Sangli has passed a reference award under the provisions of Section 18 of the Land Acquisition Act, 1894 on 28.09.2017 and enhanced the original compensation by a certain degree. The present First Appeal has been filed by the acquiring body i.e. the Executive Engineer, local sector, Minor Irrigation, Dist. Sangli in this Court challenging the reference award.

5. Without going into the merits of the matter, it is trite that the Applicants who are the original claimants are the owners of the land.

6. Mr. Yogesh Dabake, learned AGP appearing for the Executive Engineer has very fairly stated that the Applicants i.e. the original claimants be permitted to withdraw 50% of the amount deposited in the Reference Court for the reasons stated in the Application. This stand of the learned counsel is appreciated by the Court.

7. Mr. Ingale, learned counsel appearing for the Applicants on instructions stated that the Applicants are ready to forgo relief prayed for in the Interim Application and is agreeable to make an application for seeking withdrawal of the 50% of the amount of the compensation deposited before the Reference Court.

8. In view of the above, the Applicants are permitted to withdraw the 50% of the deposited amount before the Reference Court on giving usual undertaking to the satisfaction of the Trial Court.

9. In view of the above, Interim Application stands disposed of.

[MILIND N. JADHAV, J.]