

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CIVIL APPLICATION (F) NO.1502/2021 IN
FIRST APPEAL NO. 455/2021

VIDC through Executive Engineer, Minor Irrigation Division II, Chikhli,
Dist.Buldhana

Vs.

Dattatraya Keshav Joshi (since dead, through LR's) Smt. Indumati wd/o Dattatraya
Joshi and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri V.V.Dahat, Advocate for appellant/non applicant.
Shri R.B.Dhore, Advocate for respondent nos. 1 to 3/applicants nos.1 to 3.
Shri D.P. Thakre, Additional Government Pleader for State/respondent no.4.

CORAM :- A.S.CHANDURKAR AND PUSHPA V. GANEDIWALA, JJ.
DATED :- September 09, 2021.

By this application the claimants seek permission to withdraw the amount of compensation deposited by the appellant in this Court.

Land admeasuring about 10 H 60 R is the subject matter of acquisition pursuant to the Notification dated 18.06.1993 issued under Section 4(1) of the Land Acquisition Act, 1894. The Land Acquisition Officer awarded compensation @ Rs.26,000/- per hectare. The Reference Court after remand of the proceedings granted compensation @ of Rs.16,75,000/- per hectare after coming to the conclusion that the land has non-agriculture potentiality. The deduction on account of size of the land was 33%. This award is under challenge in this appeal.

Heard the learned counsel for the parties and perused the impugned judgment.

Prima facie, considering the observations as to non-agriculture potentiality and the quantum of deduction made by the Reference Court, we are inclined to permit the claimants to withdraw 25% of the amount of compensation deposited by the appellant in this Court subject to filing of an undertaking by all the claimants that in case the appeal is allowed, the amount withdrawn by them would be deposited with interest at such rate the Court may direct. Rest of the amount shall remain in fixed deposit.

The civil application is allowed in aforesaid terms and disposed of.

JUDGE

JUDGE

Andurkar..