

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

CIVIL APPLICATION NOS. 1467 AND 2353 OF 2021 IN
FIRST APPEAL NO.506/2021

The Executive Engineer, Patbandhare Vibhag, Akola

Vs.

Nandlal K.Agrawal and ors.

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

Court's or Judge's Order

Shri T.M.Zaheer, Advocate non-applicant/Appellant.

Shri S.C.Mehadia, Advocate for applicant/respondent nos. 1 and 2.

Mrs.S.S.Jachak, Assistant Government Pleader for non-applicant/respondent no.3.

CORAM :- A.S.CHANDURKAR AND G.A.SANAP, JJ.

DATED :- NOVEMBER 25, 2021.

By these applications, the original claimants seek permission to withdraw the amount of compensation as deposited by the acquiring body before the Reference Court.

Land admeasuring 3 H 59 R from field Survey No.255 is the subject matter of acquisition in the present proceedings. The Land Acquisition Officer awarded an amount of Rs.62,300/- per hectare for dry crop land and Rs.37,672/- for 99 teak trees as well as other trees standing on the land. The Reference Court has enhanced the compensation for the land at Rs.2,50,000/- per hectare. The compensation granted for the teak trees is at Rs.10,000/- per teak trees and the same has been granted for 1900 teak trees. Further compensation has been granted for other trees as well as two bore wells.

We have heard the learned counsel for the parties and we have also perused the records of the case. On a *prima facie* consideration of the material on record, it is seen that the enhancement for the land acquired is from Rs.62,300/- per hectare to Rs.2,50,000/- per hectare. Further, the documents on records

indicate that there is a dispute with regard to the number of teak trees standing on the acquired land. While joint measurement refers 190 teak trees, there is a fer panchanama dated 16.01.2007 which refers presence of 70 big teak trees and 30 small teak trees.

Considering the nature of evidence on record and the enhancement as granted by the Reference Court, for the present, we are inclined to permit the claimants to withdraw an amount of Rs.50,00,000/-(Rs.fifty lakhs) on furnishing an undertaking that in case the appeal filed by the acquiring body is allowed, the said amount shall be repaid with interest at such rate the Court may direct. Further amount of Rs.50,00,000/-(Rs.Fifty lakhs) is permitted to be withdrawn on furnishing solvent surety/security to the satisfaction of the Reference Court. Remaining amount shall stand invested in the fixed deposit.

The civil applications are disposed of accordingly.

(G.A.SANAP, J.)

(A.S.CHANDURKAR, J.)

Andurkar..