

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

CIVIL APPLICATION NO.630 OF 2022 IN FAST/15025/2021

**SAINATH MADHUKAR YENNAWAR AND OTHERS
VERSUS
NANDED WAGHALA CITY MUNICIPAL CORPORATION NANDED
THROUGH ITS COMMISSIONER AND OTHERS**

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Mr. Vishant P. Kadam, Advocate for the Applicants

Mr. M.D. Narwadkar, Advocate for Respondent No. 1

Mr. Shashibhusahn P. Deshmukh, AGP for Respondent nos.2 and 3

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CORAM : SHRIKANT D. KULKARNI, J.

DATE : 29th MARCH, 2022

PER COURT:-

1. It is an application for withdrawal of compensation amount moved by the applicants / original claimants.

2. Heard Mr. Vishant Kadam, learned counsel for the applicants / claimants, M.D. Narwadkar, learned counsel for respondent no.1 / acquiring body and Mr. Deshmukh, learned AGP for respondent nos. 2 and 3 / State. Perused the impugned judgment and award passed in L.A.R. no. 301 of 2011.

3. It is revealed during the course of argument that Special Land Acquisition Officer was pleased to award the compensation at the rate of Rs.8,80,000/- per Hectare. Whereas, the reference

Court was pleased to enhance the same at the rate of Rs.50,00,000/- per Hectare.

4. Having considered the submissions of both the sides and the practice followed by this Court, I am of the view to allow the claimants to withdraw 75% amount of the compensation deposited by the acquiring body / appellant.

ORDER

(i) The application for withdrawal of amount is hereby allowed as under:

(a) The applicants / claimants are hereby permitted to withdraw 50% of the amount with accrued interest thereon subject to furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.

(b) The applicants / claimants are further permitted to withdraw 25% of the amount with accrued interest thereon subject to furnishing solvent surety / security to the satisfaction of the Registrar (Judicial) of this Court.

- (c) Remaining 25% of the amount of compensation with accrued interest thereon shall be invested in the fixed deposit with any nationalized Bank initially for a period of one year with clause of renewal.
- (iii) The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI]
JUDGE

S.P. Rane