

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,  
BENCH AT AURANGABAD.

**26 CIVIL APPLICATION NO.3524 OF 2022**  
IN FA/2893/2018

KESHAV NAGNATH PAWAR  
*VERSUS*  
THE EX. ENGINEER, MINOR IRRIGATION DIVISION, G.M.I THR M.B.  
KADE AND ANOTHER

...  
Advocate for Applicant : Mr. Prashant K. Deshmukh.  
Advocate for Respondent No.1 : Mr. S. C. Arora.  
AGP for Respondent/State: Mr. S. P. Deshmukh.

...

CORAM : **SHRIKANT D. KULKARNI, J.**  
DATE : 28<sup>th</sup> March, 2022.

**P.C.:**

. It is an application for withdrawal of compensation amount moved by the applicant/claimant.

2 Heard Mr. P. K. Deshmukh, learned counsel for applicant/original claimant, Mr. S. C. Arora, learned counsel for respondent No.1 and Mr.Deshmukh, learned AGP for respondent No.2/State.

3 Mr. S. C. Arora, learned counsel for respondent No.1 and Mr.Deshmukh, learned AGP for respondent No.2/State strongly opposed to allow this application. They submitted that the Reference Court has awarded exorbitant compensation amount in respect of land in addition to compensation to the trees.

4 Mr. P. K. Deshmukh, learned counsel for applicant/claimant invited my attention that the SLAO was pleased to award compensation to the acquired land at the rate of Rs.29/- per R, which comes to Rs.1160/- per Acre, which is quite below from the market price. He submitted that the Reference Court was pleased to enhance the same at Rs.724/- per R, which is also inadequate. He, therefore, urged to allow this application.

5 I have considered the submissions of learned Advocates appearing for both the sides as well as the learned AGP for the State. It is a practice followed by this Court to allow the claimants arising out of land acquisition matters to withdraw 75% of the amount of compensation deposited by the acquiring body with accrued interest. 50% on furnishing undertaking and 25% on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court. I do not find any reason to take any different view. The SLAO seems to have awarded compensation at the rate of Rs.1160/- per Acre, which *prima-facie* appears to be very much inadequate. Therefore, I proceed to pass the following order:

### **ORDER**

- I. The application is hereby allowed as under:
- II. The applicant/claimant is permitted to withdraw 50% of

the amount of compensation with accrued interest thereon on furnishing usual undertaking with the Registrar (Judicial) of this Court.

- III. The applicant/claimant is further permitted to withdraw 25% of the amount of compensation with accrued interest thereon on furnishing solvent surety/security of the like amount to the satisfaction of the Registrar (Judicial) of this Court.
- IV. Remaining 25% balance amount of compensation with accrued interest thereon shall be invested in fixed deposit account in any Nationalized Bank for a period of one year with renewal clause.
- V. The application is accordingly disposed of.

[ SHRIKANT D. KULKARNI, J. ]