

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

908 CIVIL APPLICATION NO.6671 OF 2022
IN FA/699/2022

SAHEBRAO VENKAT MASKE AND ANOTHER
VERSUS
THE EXECUTIVE ENGINEER, OSMANABAD MINOR IRRIGATION,
OSMANABAD NOW LIFT IRRIGATION DIV. AND OTHERS

...

Advocate for Applicants : Mr. Vivekanand V. Ingale.

Advocate for Respondent No.1 : Mrs. Ranjana D. Reddy.

AGP for Respondent/State: Mr. A. B. Chate.

...

CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 05th May, 2022.

P.C.:

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

2 Heard Mr. Ingale, learned counsel for the applicants/claimants, Mrs. Ranjana Reddy, learned counsel for respondent No.1/acquiring body and Mr. Chate, learned AGP for respondent Nos.2 and 3/State.

3 Mr. Ingale seeks leave to place on record copy of order passed by this Court in Civil Application No.13825 of 2019 with connected matters dated 3rd December, 2019. Leave granted. The same is taken on record and marked as 'X' for identification purpose. He submits that in the above said matter, this Court has allowed the claimants to

withdraw 70% of the amount in deposit on furnishing usual undertaking. He, therefore, seeks similar relief of withdrawal of compensation.

4 Whereas, Mrs. Reddy seeks leave to place on record copy of order passed by this Court in Civil Application No.6592 of 2021 dated 12th August, 2021. Leave granted. The same is taken on record and marked as 'Y' for identification purpose. She submits that this Court was pleased to allow the claimant to withdraw 50% of the amount in deposit on furnishing usual undertaking. She, therefore, urged to consider the above said order while considering the present application. The learned AGP for the State argued on the same lines.

5 I have perused the above said two orders relied upon by the learned counsel for claimants and the learned counsel for the acquiring body. It is revealed during course of argument that initial demand of claimants was Rs.2,500/- per R. The SLAO was pleased to award compensation at Rs.335/- per R. The Reference Court was pleased to enhance the same at Rs.4,000/- per R, which is more than the claim of original land owners. It is also pointed out by Mrs. Reddy that in another LAR proceedings, the Reference Court vide judgment in LAR No.689 of 2001 was pleased to award the compensation at the rate of Rs.2,000/- per R arising out of same project. Mr. Ingale, learned

counsel submits that it is pertaining to dry land and the acquired land in this case is *Bagayat* land.

6 Having considered the submissions of the learned counsel for both the sides and looking to the peculiar facts of the case and in view of earlier order passed by this Court in Civil Application No.6592 of 2021 dated 12th August, 2021, it would be appropriate to allow the claimants to withdraw 50% of the amount of compensation. Hence, the following order is passed:

ORDER

- I. The application is hereby allowed as under:
- II. The applicants/claimants are hereby permitted to withdraw 50% of the amount of compensation with accrued interest thereon on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- III. Remaining 50% of the compensation amount with accrued interest thereon shall be invested in fixed deposit account in any Nationalized Bank initially for a period of one year with renewal clause.
- IV. The application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]