

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

**931 CIVIL APPLICATION NO. 6790 OF 2022
IN FA/900/2018**

**JITENDRA MARUTIRAO SHINDE
VERSUS
THE REGIONAL OFFICER, M.I.D.C. LATUR AND ORS**

...

Advocate for Applicant : Mr. Santosh N. Patne
AGP for Respondent Nos. 2 and 3 : Ms. R.P. Gaur
Advocate for Respondent No. 1 : Mr. S. S. Dande

...

**CORAM : RAVINDRA V. GHUGE &
S.G.DIGE, JJ.**

DATE : 29.04.2022

P.C. :

1. Heard the learned counsel for the parties. It appears that about 3 H. 57 R land of the applicant has been acquired. The amount of compensation granted by the Land Acquisition Officer has underwent an upward revision under the Award passed by the Land Acquisition Reference Court and accordingly amount has been deposited in this Court.

2. The learned counsel for the applicant contends that in similar matters from the group of first appeal, the Court has allowed withdrawal of 50% of the amount from the one

deposited in the Court and additionally contends that in many a land acquisition compensation case, the Honourable Supreme Court had directed withdrawal of the entire amount deposited. In view of the same, the learned counsel for the applicant urges to allow withdrawal of amount deposited in this Court.

3. The learned counsel for MIDC, however, contends that enhancement of compensation amount by the reference Court had been rather far too steep and would be unsustainable in the face of evidence which has been led. He submits that rise in compensation is from Rs.25,000/- per hectare to Rs. 12,50,000/- per hectare which enhancement is about 40-50 times. Mr. Dande, learned counsel, opposes the request for withdrawal of entire amount. He, therefore, submits that the applicant be allowed to withdraw only a reasonable amount and he be put to strict conditions.

4. In the circumstances, we deem it appropriate to allow the applicant to withdraw 50% of the amount from the amount deposited in the Court, 25% of that, subject to filing an undertaking to the effect that in case a decision in appeal is

rendered against the interest of the applicant, he would deposit the withdrawn amount in this Court within two months from such decision. The rest of the 25% from the amount allowed to be withdrawn, be allowed to be withdrawn on furnishing solvent security to the satisfaction of the Registrar (Judicial)

5. The Civil application accordingly, is disposed off. The remaining amount be invested in fixed deposit of any Nationalized Bank.

(S.G.DIGE, J.)

(RAVINDRA V. GHUGE, J.)

mtk