

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

**935 CIVIL APPLICATION NO.10381 OF 2022
IN FA/3106/2021 WITH CA/13125/2021 IN FA/3106/2021**

**BANSI DEVIDAS LONDHE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
BEED AND ANOTHER**

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Mr. D.R. Jaybhar, Advocate for the applicants.
Mr. P.N. Kutti, A.G.P. for respondent No. 1.
Mr. A.D. Gadekar, Advocate for respondent No. 2.

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 27.07.2022.

ORDER:-

1. The applicants are seeking withdrawal of compensation amount of Rs. 97,78,512/- deposited by the respondent No. 2 – Acquiring Body i.e. the original appellant, since they have lost sole source of income due to acquisition of their land. On the contrary, the learned Counsel for the respondent No. 2 – Acquiring Body submits that the Special Land Acquisition Officer had awarded the compensation amount at the rate of Rs. 710/- and 810/- per Aar and the Reference Court enhanced the same by granting rate of Rs.10,000/- per Aar which is unreasonable.

2. Admittedly, the entire amount has been deposited by the Acquiring Body in this Court. Though the learned Counsel for the applicants requested to release at least 50 % of the said amount, but considering the vast difference between the rates granted by the SLAO and the Reference Court, I am inclined to grant permission to the applicants to withdraw 25% of the amount deposited by the Acquiring Body, on undertaking. As such, 25% of the deposited amount be paid to the applicants on submitting usual undertaking before the Registrar (Judicial) of this Court and the remaining amount be kept in fixed deposit in any Nationalized Bank, till final disposal of the appeal.

3. Since the Acquiring Body has deposited entire amount of award in this court, the Civil Application No. 13125 of 2021 for grant of stay to the execution of the impugned award, stands disposed of.

4. First Appeal No. 3106 of 2021 stands admitted.

5. Call record and proceedings.

(SANDIPKUMAR C. MORE, J.)