

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

**22 CIVIL APPLICATION NO.13463 OF 2022
IN FA/3349/2018 WITH CA/13468/2022 IN
FA/3348/2018 WITH CA/13469/2022 IN FA/3342/2018
WITH CA/13467/2022 IN FA/3343/2018 WITH
CA/13466/2022 IN FA/3347/2018 WITH CA/13464/2022
IN FA/3344/2018 WITH CA/13465/2022 IN
FA/3346/2018**

VILAS TOPAJI KHANDARE
VERSUS
THE UNION OF INDIA AND ORS

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Mr. C.K. Shinde, advocate for the applicants
Mr.M.N. Navandhar, advocate for respondent nos.1 and 2.
Mr. S.S. Dande, AGP for respondent/State.

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CORAM : S.G.DIGE, J.
DATE : 26.09.2022

P.C. :

1. Heard the learned counsel for the applicants.

2. The learned counsel for the applicants submits that the applicants' lands are acquired by respondent no.1 in the year 2011. Since then the applicants have not received the compensation in respect of their lands. Reference Court has enhanced the amount of compensation of the applicants' lands. The said judgment and order is challenged by respondent nos.1 and 2 before this Court. The applicants are poor farmers. They need the amount for daily expenses. Hence requested to allow the applications.

3. The learned counsel for respondent nos.1 and 2 submits that the exorbitant compensation is awarded by the Reference Court. The learned Reference Court has considered the six sale instances and on that basis the enhanced amount of compensation is awarded, which is impugned by respondent nos.1 and 2 by way of appeals. If the applicants are permitted to withdraw the amount and respondent nos.1 and 2 succeed in the appeals, it will be difficult for respondent nos.1 and 2 to recover the amount. Hence requested to dismiss the applications.

5. I have heard all the learned counsel.

6. Admittedly, the lands of the applicants are acquired in the year 2011. The applicants have not received any compensation about their acquired lands. The Reference Court has enhanced the compensation. The applicants are poor farmers. They require the amount for their daily expenses. Hence I pass the following order :-

ORDER

- (i) The applications are allowed.
- (ii) The applicant/applicants is/are permitted to withdraw 50% amount out of 50% amount deposited along with accrued interest thereon on furnishing the undertaking.
- (iii) Respondent nos.1 and 2 have deposited 50% amount

before this Court, it be transmitted to the Reference Court, Beed for withdrawal.

(iv) The applicants shall file undertaking before the Reference Court, Beed.

(v) The applications are disposed of accordingly.

[S.G.DIGE]
JUDGE

SGA