

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 14130 OF 2022
IN FIRST APPEAL NO. 1906 OF 2020

BALU SUKHADEV AVHAD AND OTHERS
VERSUS
THE EXECUTIVE ENGINEER MINOR IRRIGATION DIVISION 2
SANGAMNER AHMEDNAGAR AND ANOTHER

...
Advocate for Applicants : Mr. D.A. Bide
Advocate for Respondent No.1 : Mr. V.C. Solshe
AGP for Respondent No.2 : Mr. A.B. Chate
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CORAM : S.G. DIGE, J.
DATE : 12th October, 2022

ORDER :

. Heard learned Counsel for applicants, learned Counsel for respondent No.1 and learned A.G.P. for respondent No.2.

2. Learned Counsel for applicants submits that, applicants are poor agriculturist and they are living in traible area. Applicants' lands are acquired by the respondent No.2. They have no source of income. The Special Land Acquisition Officer has granted amount of

Rs.1,00,000/- per hectare whereas the Civil Judge, Senior Division, Sangamner, Dist. Ahmenagar (hereinafter "the Reference Court") has enhanced it to amount of Rs.3,40,000/- per hectare. The said enhancement is within four times, in spite of that present appeal is preferred by respondent No.1. Hence, requested to allow the application.

3. Learned Counsel for respondent has disputed the fact of change of lands and on that ground the appeal is preferred. Hence, requested to dismiss the application.

4. I have heard all the learned Counsel. Applicants are poor farmers in traible area. They have facing starvation due to money. They needs amount for their daily expenses. The Reference Court has enhanced the compensation is within four times. Hence, I pass the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicants are permitted to withdraw 75%

amount out of deposited amount along-with accrued interest thereon.

- (c) The 75% amount along-with accrued interest thereon deposited before this Court be transmitted to the Civil Judge, Senior Division, Sangamner, Dist. Ahmenagar and applicants shall file usual undertaking before the Reference Court.
- (d) Remaining 25% amount shall be deposited in Fixed Deposit of any nationalized bank.
- (e) The Civil Application is disposed of.

[S.G. DIGE, J.]