

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 13981 OF 2022
IN FIRST APPEAL (ST) NO. 6317 OF 2020

SHIVAJI RAJARAM KARAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR
OSMANABAD AND OTHERS

...
Advocate for Applicant : Mr. M.B. Kolpe
AGP for Respondents – State : Mr. S.S. Dande
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CORAM : S.G. DIGE, J.
DATE : 6th October, 2022

ORDER :

. Heard learned Counsel for applicant and learned A.G.P. for respondents – State.

2. Learned Counsel for applicant submits that, land of the applicant has acquired by the respondents in the year 2005 since then applicant has not received any compensation for acquired lands. Applicant is poor farmer. He needs amount for his daily expenses. Hence, requested to allow the application.

3. Learned A.G.P. for respondents - State strongly objected for it on the ground that, the Land Acquisition Officer has given amount of Rs.9,000/- per Acre whereas the Reference Court has given amount of Rs.96,000/- per Acre, which is exorbitant. The State has challenged the order passed by the Reference Court by way of appeal and if applicant is permitted to withdraw the amount and respondents succeeds in the appeal, it would be difficult for the respondents to recover the amount. Hence, requested to dismiss the application.

4. I have heard both the learned Counsel. Applicant's land was acquired in the year 2005, since then compensation is not given. Applicant needs amount for his daily expenses. Hence, I pass the following order :-

ORDER

- (a) Application is allowed.
- (b) Applicant is permitted to withdraw 50% amount along-with accrued interest thereon out of deposited amount on furnishing usual

undertaking.

- (c) Applicant is permitted to withdraw 25% amount along-with accrued interest thereon out of deposited amount on furnishing solvent surety.
- (d) The remaining 25% amount shall be deposited in Fixed Deposit of any nationalized bank.
- (e) The Civil Application is disposed of.

[S.G. DIGE, J.]