

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

911 CIVIL APPLICATION NO.14481 OF 2022
IN FIRST APPEAL STAMP NO.21385 OF 2020

...

KAMALBAI DATTUGIR BUVA
VERSUS
THE M.K.V.C.D. PUNE & OTHERS

...

AND

CIVIL APPLICATION NO.14482 OF 2022
IN FIRST APPEAL STAMP NO. 21621 OF 2020

...

VASANT MHALAPPA KAGE
VERSUS
THE M.K.V.C.D. PUNE & OTHERS

...

AND

CIVIL APPLICATION NO.14484 OF 2022
IN FIRST APPEAL STAMP NO.21610 OF 2020

...

BALDEO JATTI S/O. BALA JATTI [DIED] THROUGH L.RS.
LAXMIBAI & OTHERS
VERSUS
THE M.K.V.C.D. PUNE & OTHERS

...

Advocate for the applicants : Mr.L.C.Patil
AGP for the respondent-State : Mrs.D.S.Jape
Advocate for respondent no.1 : Mr.A.S.Shelke

...

CORAM : S.G.DIGE, J.
DATE : 13.10.2022

P.C. :

1] Heard the learned counsel for the applicants
and the learned AGP for the respondent-State and learned
counsel for respondent no.1.

2] The learned counsel for the applicants submits that the applicants' lands are acquired by respondent no.1 in the year 2003. Since then the applicants have not received compensation from respondent no.1. The Reference Court enhanced the compensation which is challenged by respondent no.1 by way of appeal. In the appeal respondent no.1 has deposited 60% amount out of award amount before this Court. This Court has permitted the appellants in connected group of matters to withdraw 60% amount out of deposited amount on furnishing undertaking in respect of 90% amount and on furnishing solvent surety in respect of 10% amount. Hence requested to pass the same order in these applications.

3] It is the contention of the learned counsel for respondent no.1 that the Reference Court has enhanced the compensation 20 times more than the rate given by the Special Land Acquisition Officer. The exorbitant compensation is award in respect of trees which is challenged by respondent no.1 before this Court. If the applicants are permitted to withdraw the entire amount, it would be difficult for respondent no.1 to recover it in case respondent no.1 succeeds in the appeal. Hence requested to dismiss the applications.

4] It is the contention of the learned counsel for

the applicants that respondent no.1 be directed to deposit remaining award amount.

5] I have heard both learned counsel. Admittedly, the lands of the applicants are acquired in the year 2003. Since then the applicants have not received the compensation. The Tribunal has enhanced the compensation, which is challenged by respondent no.1 in the appeal. The applicants are the poor farmers. They need the amount for their daily expenses. Respondent no.1 has deposited 60% amount out of the award amount before this Court. If respondent no.1 succeeds in the appeal, 40% amount is yet to be deposited and if undertaking is taken from the applicants after withdrawal of the amount, it would meet the ends of justice. Hence I pass the following order :

ORDER

I] The applications are allowed.

II] The applicants are permitted to withdraw 90% amount along with accrued interest thereon out of 60% deposited amount on furnishing undertaking before the learned Registrar [Judicial].

III] The applicants are permitted to withdraw remaining 10% amount along with accrued interest thereon on furnishing solvent surety / security.

IV] The Civil applications are disposed of.

[S.G.DIGE]
JUDGE

DDC