

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

968 CIVIL APPLICATION NO.14208 OF 2022
IN FIRST APPEAL NO.2881 OF 2022

BHAWAN VITHALRAO MAHAJAN
VERSUS
THE STATE OF MAHARASHTRA & ANOTHER

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Advocate for Applicant : Mr.D.A.Bide
AGP for Respondent-State : Mr.S.S.Dande
Advocate for Respondent no.2 : Mr.Y.V.Kakade

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CORAM : S.G.DIGE, J.
DATE : 19.10.2022

P.C. :

1] Heard the learned counsel for the applicant, learned counsel for respondent No.2 and the learned AGP for the respondent-State.

2] The learned counsel for the applicant submits that the applicant is 80 years old. His land is acquired in the year 1995 since then, the applicant is waiting for justice of getting compensation. The Special Land Acquisition Officer has granted Rs.120/- per square meters whereas the Reference Court enhanced it Rs.350/- per square meters in spite of that the respondent has preferred the appeal. Due to old age, the applicant need the amount for his medical treatment and other expenses, hence, requested to allow the application.

3] The learned counsel for respondent no.2 strongly objected to allow the application on the ground that excessive compensation is awarded by the Reference Court.

4] I have heard all learned counsel. Admittedly, the land of the applicant is acquired in the year 1995 since then the applicant has not received any compensation. The applicant is 80 years old. He needs the amount for his daily expenses and age related ailments, hence, I pass the following order :-

ORDER

i] The application is allowed.

ii] The applicant is permitted to withdraw 50% amount along with interest thereon out of deposited amount on furnishing undertaking. The applicant is permitted to withdraw 25% amount along with accrued interest thereon on furnishing solvent surety / security. The remaining 25% amount be kept in Fixed Deposit of any Nationalized Bank.

iii] Civil Application is disposed of accordingly.

**[S.G.DIGE]
JUDGE**