

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

**CIVIL APPLICATION NO. 2747 OF 2023 IN
FIRST APPEAL NO. 1137 OF 2022
WITH
CIVIL APPLICATION NO. 2749 OF 2023 IN
FIRST APPEAL NO. 1136 OF 2022
WITH
CIVIL APPLICATION NO. 2748 OF 2023 IN
FIRST APPEAL NO. 1138 OF 2022**

Mr. R. D. Biradar, advocate for the Applicants
Mr. S. G. Karlekar, advocate for Respondent No.1.
Mr. S. W. Munde, AGP for Respondents No.2 & 3.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 11th April, 2023.

PC :

Heard rival submissions.

The respective applicants, in all these applications, are seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-acquiring body. It appears that the appellant acquiring body has deposited 50% of the entire compensation amounts.

The learned Counsel for the acquiring body strongly opposed the applications on the ground that the

learned Reference Court has enhanced the compensation amount by twelve times than the compensation granted by the SLAO. Further, this Court, vide order dated 28.04.2022, has passed reasoned order by considering all the circumstances in which the Reference Court has enhanced the amount and thereafter directed to deposit only 50% of the compensation amount.

It appears from the aforesaid order, that this Court has observed that the comparable sale instance used for enhancement was in fact in respect of the claimants only. Moreover, though there were two categories available in the acquired land, namely “*Jirayat*” and “*Bagayat*”, but the Reference Court has applied rate of *bagayat* land to all the lands under acquisition. Thus, it is justified by this Court while directing the acquiring body to deposit only 50% of the compensation amount.

Therefore, considering the enhancement granted by the Reference Court and the earlier order of this Court, the respective applicants herein are permitted to withdraw 75% of the deposited amount along with proportionate interest

accrued thereon by furnishing usual undertaking to the satisfaction of the Registrar (J) of this Court. The remaining amounts be invested in FDR, in any Nationalised Bank, on yearly renewal basis, till final disposal of this appeal.

Civil Applications are disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

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