

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

24 CIVIL APPLICATION NO.4645 OF 2023 IN FAST/2784/2019
PRASHANT RAMESH SALUNKE

VS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ORS

WITH

CIVIL APPLICATION NO.4649 OF 2023 IN FAST/2736/2019
ARUN PRABHAKAR SALUNKE

VS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ORS

WITH

CIVIL APPLICATION NO. 4648 OF 2023 IN FAST/2771/2019
RAOSAHEB RAJENDRA TAT

VS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ORS

WITH

CIVIL APPLICATION NO.4646 OF 2023 IN FAST/2780/2019
VASANT YASHWANTRAO SALUNKE

VS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR,
OSMANABAD AND ORS

Mr. Rahul D. Khadap, Advocate for the applicant
Mr. S. S. Dande, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 12th SEPTEMBER, 2023

P. C.

1. Heard.

2. These applications are filed by the original claimants seeking withdrawal of the amount deposited by the appellant/acquiring body. Amount is already deposited in this court as per the award passed by the learned Reference Court. The learned Land Acquisition Officer had awarded compensation at the rate of Rs.500/- per R. However, learned Reference Court has enhanced the same to Rs.3000/- to 4000/- per R. It is almost 6 to 8 times of the original award. Learned advocate for the applicant however submits that while awarding the rate the learned SLAO had not considered the market rate and the learned Reference court has rightly enhanced the amount. Though there is order in favour of the present applicants, they have not yet received amount.

3. Learned AGP opposes the prayer submitting that if the amount is allowed to be withdrawn, it would be difficult to recover the said amount in case appeal is allowed in favour of the appellants.

4. Considering that already reference court has enhanced the amount by considering the relevant factors, this court finds that the applications can be partly allowed by imposing certain conditions. Hence, the following order.

ORDER

- a] The applications stand partly allowed.

- b] The applicants are entitled to withdraw 50% of the amount on usual undertaking and 25% of the amount on furnishing solvent surety/security/bank guarantee subject to satisfaction of the Registrar (Judicial) of this court. Remaining 25% amount be fixed in the fix Deposit in any Nationalized Bank on yearly renewal basis.

[KISHORE C. SANT, J.]