

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

**CIVIL APPLICATION NO.5793 OF 2023
IN FA/2244/2022**

**JAGANNATH S/O NIVRUTTI JADHAV DIED THR LRS
JANABAI J.JADHAV AND ORS
VERSUS
THE EX. ENGINEER (MEDIUM PROJECT) ACQUIRING BODY,
P.B.DIVISION THR GMID AURANGABAD AND ANR**

...

Mr. A. R. Barate, Advocate for the Applicants.
Mr. S. S. Dande, AGP for Respondents-State.
Mr. M. C. Swami, Advocate for Respondent No.1.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 11th AUGUST, 2023.

PER COURT:-

1. Heard rival submissions.
2. The applicants are seeking withdrawal of the entire amount of compensation, which has been deposited by the Acquiring Body alongwith the interest accrued thereon.
3. The learned counsel for the respondent Acquiring Body opposed the application on the ground that though the compensation granted is within four times, but the interest under Section 28 of the Land Acquisition Act is awarded from the date of possession.
4. In view of the same and considering the enhancement granted by the learned Reference Court, the applicants are

permitted to withdraw 75% of the deposited amount of compensation alongwith the proportionate interest accrued thereon till date on usual undertaking to the satisfaction of the Registrar (Judicial) of this court.

5. The remaining amount be kept in FDR in any nationalized Bank on yearly renewal basis till final disposal of this appeal.

6. The civil application is accordingly disposed of.

(S. G. CHAPALGAONKAR)
JUDGE