

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

**CIVIL APPLICATION NO. 7210 OF 2023 IN
FIRST APPEAL NO. 861 OF 2023**

Vitthal Ambadas Thombare
and another

Applicants

Versus

The State of Maharashtra & others

Respondents

Mr. A. B. Kale, advocate for the Applicants

Mr. S. P. Tiwari, AGP for Respondent No.1.

Mr. S. G. Bhalerao, advocate for Respondent No.2.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th June, 2023.

PC :

The applicants are seeking withdrawal of entire amount of compensation, which has been deposited by the appellant-acquiring body.

The learned Counsel for the acquiring body strongly opposed the application on the ground that exorbitant amount of compensation has been granted by the Reference Court.

However, on perusal of the impugned judgment

itself, it is evident that only 72 Ares land has been acquired in this matter. Further, the judgment itself shows in para no.14 that the learned SLAO has granted compensation in respect of the acquired land @ Rs.90,500/- per hectare. That means Rs.905 per Are. As against this, if we see the rate enhanced by the Reference Court, as mentioned in the operative part of the judgment, it is evident that the Reference Court has granted amount of Rs.2,70,024/- in respect of 45 ares out of land G. No.42 and Rs.1,31,085/- for 27 Ares out of land G. No. 36. Thus, it appears that the compensation granted by the Reference Court is well within the criteria of four times.

The learned Counsel for the applicants further pointed out that the acquiring body, in some of the other connected matters wherein similar enhancement was granted, did not even file appeals and satisfied the awards. Be that as it may.

Considering the enhancement granted by the Reference Court, the applicants herein are permitted to withdraw entire deposited amount along with interest accrued thereon till date by furnishing usual

undertaking to the satisfaction of Registrar (J) of this Court.

Civil Application is disposed of.

(SANDIPKUMAR C. MORE)
JUDGE

adb

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

**CIVIL APPLICATION NO. 2209 OF 2023 IN
FIRST APPEAL NO. 861 OF 2023**

The Executive Engineer,
Minor Irrigation Division, Jalna

Applicant

Versus

Vitthal Ambadas Thombare
and another

Respondents

Mr. S. G. Bhalerao, advocate for the Applicant
Mr. A. B. Kale, advocate for Respondents-claimants.

CORAM : SANDIPKUMAR C. MORE, J.

DATE : 19th June, 2023.

PC :

Since the appellant-acquiring body has deposited the amount of compensation, as directed by this Court, the application is made absolute in terms of prayer clause {B} and disposed of.

**(SANDIPKUMAR C. MORE)
JUDGE**

adb