

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

**CIVIL APPLICATION NO. 9585 OF 2023
IN FA/2808/2017**

Arjun Bhanudas Khune (died)
Through his Legal Heirs
Machindra Arjun Khune and others .. Applicants

Versus

The State of Maharashtra and others .. Respondents

Mr. D. A. Mane, Advocate h/f Mr. Pankaj A. Bharat, Advocate for the Applicants.
Mr. S. B. Pulkundwar, AGP for Respondents/State.

CORAM : KISHORE C. SANT, J.

DATED : 10th OCTOBER, 2023.

P C. :-

. The present application is filed seeking withdrawal of amount deposited by the appellant – acquiring body in this Court. It is submitted that, while acquiring the land the SLAO had awarded compensation at the rate of Rs. 40,000/- per Acre in reference bearing LAR No. 602/2011. The learned Reference Court has awarded rate of Rs. 80,000/- per Acre. The acquiring body – appellant has therefore filed appeal wherein stay is granted on condition to deposit the amount in this Court by order dated 16.06.2017 wherein delay was condoned and stay was granted in Civil Application No. 4765/2017. Now the

amount is deposited in this Court and the same is lying in this Court.

2. It is argued by the learned advocate for the applicants that the amount of enhancement is only twice the amount awarded by the SLAO. In view of the policy of the Government not to file claim or to withdraw the appeals wherever filed where the amount awarded by the Reference Court is less than four (04) times of the amount awarded by the SLAO.

3. In view of the same, this Court finds that, the civil application can be allowed. Therefore, the civil application is allowed.

4. The applicants shall be entitled to withdraw 50% of the amount by giving an undertaking that in case the appeal is allowed they will re-deposit the amount within a period of six (06) months from the date of judgment of this Court. Remaining 50% amount shall be withdrawn by furnishing solvency to the satisfaction of the Registrar (Judicial) of this Court. The applicants shall also be entitled to withdraw the interest if any accrued on the amount deposited by the appellant-acquiring body in this Court.

5. Office to act upon the order as early as possible within a period of two (02) weeks from today since it is pointed out that there is already certificate issued by the Assistant Registrar, Co-operative

Societies under Section 101 for recovery of the amount of loan obtained by the applicants from Co-operative Bank.

6. With this, the civil application stands disposed off in above terms.

(KISHORE C. SANT, J.)

PS.B.