

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.9998 OF 2023
IN FAST/23617/2020**

HIRABAI BANSI MANE
VERSUS
THE EXE. ENGINEER, MINOR IRRIGATION DIV.,
OSMANABAD AND ORS

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Mr. G. J. Kore, Advocate for the Applicant.
Mr. P. M. Kulkarni, AGP for Respondents-State.
Mr. S. W. Munde, Advocate for Respondent No.1.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 11th AUGUST, 2023.**

PER COURT:-

1. By this application, the applicant seeks withdrawal of the amount deposited by the Acquiring Body in pursuance of award passed by the Reference Court.

2. The learned Advocate appearing for the applicant submits that the agricultural land of the applicant has been acquired in the year 2005. The Land Acquisition Officer had awarded inadequate compensation. Reference is filed under Section 18 of the Land Acquisition Act. The Reference Court on consideration of all the evidence regarding market value, re-assessed the compensation and passed award. He submits that no good grounds are made out in appeal. Hence, the applicant urges to permit the withdrawal of the entire amount deposited by the Acquiring Body.

3. Mr. Munde, learned Advocate appearing for the Acquiring Body submits that the Reference Court has enhanced the compensation to Rs.4,00,000/- per acre, when the Land

Acquisition Officer had assessed the value of the land at the rate of Rs.29,200/- per acre. He submits that there is exponential enhancement in the compensation, which cannot be justified. He submits that there are good grounds in appeal by which the appellant can succeed.

4. Having considered the submissions advanced and after perusal of the reasoning adopted by the Reference Court, it can be gathered that the applicant has tendered evidence regarding previous awards passed by the Reference Court, wherein the rate of the land has been determined. In that view of the matter, case is made out to grant partial withdrawal of the compensation amount. Hence, the following order:-

ORDER

- a. Civil Application is partly allowed.
- b. The applicant/original claimant is permitted to withdraw total 50% of the compensation amount deposited by the Acquiring Body subject to furnishing of usual undertaking to the satisfaction of the Registrar (Judicial) of this Court.
- c. The applicant is further permitted to withdraw additional 25% amount out of deposited compensation amount by the Acquiring Body on furnishing solvent surety/security to the satisfaction of the Registrar (Judicial) of this Court.
- d. Balance of the amount be kept in Fixed Deposit in any Nationalized Bank initially for a period of one year with renewal clause.

- e. Civil Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/August-2023