

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11265 OF 2023
IN FA/771/2022

ASHOK VANKATRAO KHANDADE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR, LATUR AND
ANOTHER

...
Advocate for Applicant : Mr. G. K. Sontakke
APP for Respondent No.1 – State : Mr. A. M. Phule
Advocate for Respondent No.2 : Mr. Anand Chawre
...

CORAM : SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.

DATE : 30th October, 2023.

ORDER :-

. Present application has been filed for withdrawal of the entire amount of compensation along with interest by the respondent – original claimant.

2. Learned Advocate for the acquiring body is objecting on the ground that the enhancement is more than 50 times than awarded by the Special Land Acquisition Officer. The land that was acquired was the agricultural land, however, now the enhancement has been granted per square feet. There was no evidence for development in the land. Taking into

consideration the fact that the reference Court has considered that some of the points were not considered by the Special Land Acquisition Officer, but at the same time the interest of the acquiring body is also required to be protected and, therefore, case is made out for partial withdrawal of the amount. As regards the present matter is concerned, in view of the order passed by this Court amount of Rs.44,58,066/- has been deposited. In view of the same, we allow the original claimant to withdraw amount of Rs.20,00,000/- on condition that he should give undertaking that if at all he is directed to redeposit the amount or fraction of the same, then he would deposit it.

3. Accordingly, the application stands disposed of.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm