

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

950 CIVIL APPLICATION NO.12755 OF 2023
IN FIRST APPEAL NO.2451 OF 2022

SUDAM KASHINATH ANDHALE
VERSUS
THE EXECUTIVE ENGINEER, IRRIGATION DIVISION,
BEED & OTHERS

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Advocate for the applicants : Mr.S.R.Kedar
AGP for Respondent-State : Mr.B.V.Virdhe
Advocate for Respondent no.1 : Adv.A.P.Raka h/f.
Mr.S.W.Munde

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CORAM : ARUN R. PEDNEKER, J.
DATE : 20.10.2023

P.C. :

1] The applicant has filed the present Civil Application for withdrawal of the amount. By the earlier order dated 24th August, 2023, this Court has permitted the applicant to withdraw 50% of the deposited amount along with the interest accrued thereon till date. The applicant was allowed to withdraw 25% of the aforesaid amount on usual undertaking and the remaining amount of 25% on furnishing solvent security to the satisfaction of the Registrar [J] of this Court.

2] The learned counsel for the applicant has produced order dated 28th July, 2023 in Civil Application No.9215 of 2023 in First Appeal Stamp No.8488 of 2022 wherein this Court has permitted the applicants therein to withdraw 50% of the amount subject to furnishing of usual undertaking to the satisfaction of the Registrar [J] of this Court. The learned counsel for the applicant further submits that mother of the applicant is 87 years old; she is bed ridden due to various old aged ailments and the applicant is also 65 years old age and frequently is suffering from less platelets, asthma and heart disease. He further submits that he may be permitted to withdraw additional 25% of the amount deposited in this Court. The learned counsel for the applicant further submits that the Land Acquisition Officer has granted compensation to the applicant at the range of Rs.600 to 900 per R. depending upon the category of the land and the same has been enhanced by the Reference Court to Rs.5000/- per R. Thus, there is 6 time increase.

There is enhancement of Rs.900 to Rs.5000 per R. as such there is enhancement of near about 6 times and by applying principles which are ordinarily applied in case of withdrawal of amount, deem it appropriate to permit the applicant to withdraw 25% amount deposited in this Court. The learned counsel further submits that in the same acquisition in some cases, there is more than 10 times increase of compensation granted by the Reference Court but in the instant case, the applicant's compensation is increased near about 6 times by the Reference Court.

3] Looking to the facts of the present case, I deem it appropriate to permit the applicant to withdraw further 25% amount of compensation as deposited in this Court along with accrued interest thereon, on usual undertaking to the satisfaction of the Registrar [Judicial] of this Court.

4] Civil Application is disposed of accordingly.

[ARUN R. PEDNEKER]
JUDGE