

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1300 OF 2023
IN
FIRST APPEAL NO.263 OF 2015**

Balkrushna Bhaskar Thakur (deceased)
through LRS. Pundalik Balkrushna @
Krushna Thakur (deceased) through
LRS ... Applicants

V/s.

The State of Maharashtra through the
Special Land Acquisition Officer-1,
Raigad ... Respondent

**WITH
CIVIL APPLICATION NO.898 OF 2015
IN
FIRST APPEAL NO.263 OF 2015**

The State of Maharashtra through
the Special Land Acquisition Officer-1, ... Applicant

V/s.

Balkrushna Bhaskar Thakur (Death)
Through his LRS.
Pundalik Balkrushan @ Krushna Thakur ... Respondent

Mr. Sachin S. Punde for the Applicant.

Ms. Tanaya Goswami, APP for State.

Mr. Rakesh Singh a/w. Heena Shaikh for the
Respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 21, 2023

P.C.:

INTERIM APPLICATION NO.1300 OF 2023

1. The Application is filed by the original claimants seeking withdrawal the amount of compensation granted at the rate of Rs.600/- per square meter. The land in question is situated at village Dhutum, Taluk Uran, District Raigad, which has been acquired for National Highway NH-4B for connecting to Nava Sheva Port Trust.

2. The reference Court relying on the judgments in L.A.R No.255 of 2000 and L.A.R Nos. 249, 251, 254 of 2000 granted compensation at the rate of Rs.600/- per square meter as the said references were from the same village. The reference Court also considered judgments in L.A.R Nos.633 of 2000 and 700 of 2000 where the compensation was awarded at the rate of Rs.500/- and Rs.550/- for acquisition of the year 1986-1987. However, since the land in question are situated on better advantageous position, the reference Court has decided to grant enhancement to extent of Rs.600/- per square meters.

3. Considering the facts taken into consideration by the reference Court, in my opinion, the Applicants have made out the case for withdrawal of entire amount, subject to filing of undertakings by all the Applicants to this Court stating that in case the decision of present Appeal goes against the Applicants, they will reimburse the Appellants, the withdrawn amount along with the interest at prevailing bank rate. Such undertakings shall be filed within four (4) weeks from today by all the Applicants.

4. The Application stand disposed of.

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5. The Appellant No.1 is directed to add Appellant No.2 NHA as party as per the order dated 5th January, 2023 within two (2) weeks from today.

6. Stand over to **21st March, 2023.**

(AMIT BORKAR, J.)