



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

**29 CIVIL APPLICATION NO. 1639 OF 2024
IN FA/1628/2018**

**BHAGCHAND SANDU BARWAL AND ORS
VERSUS**

**THE STATE OF MAHARASHTRA THROUGH SPECIAL LAND ACQUISITION
OFFICER, AURANGABAD AND ANR**

AND

**29 CIVIL APPLICATION NO. 1640 OF 2024
IN FA/1629/2018**

**SHAIKH LAL SHIVLAL GOMLADU
VERSUS**

**THE STATE OF MAHARASHTRA THROUGH SPECIAL LAND ACQUISITION
OFFICER, AURANGABAD AND ANR**

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Advocate for Applicant/s : Mr. Hajare Abhishek Madhukar
AGP for Respondents/State : Mr. S.V. Hange

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**CORAM : Y.G. KHOBRAGADE, J.
DATE : 26.03.2024**

PC.:-

1. In both these applications the applicants-claimant seek permission to withdraw the amount of compensation which have been deposited by the acquiring body before this Court in pursuance of judgment and award dated 27.02.2014 passed in the LAR proceedings.
2. The learned AGP strongly resisted the applications on the ground

that the acquiring body have filed appeal and questioned the legality and validity of judgment and award, whereby the learned Reference Court enhanced the amount of compensation in respect of the acquired land. Therefore, if the applicants-claimant are permitted to withdrew 100% amount of compensation in that event the acquiring body will not be able to recover the excess amount paid to the claimants, hence prayed for dismissal of the applications.

3. Needless to say that vide notification dated 07.09.1995 published under Section 4 of the Land Acquisition Act, 1894 the land of the present applicants are being acquired for public projects. The Special Land Acquisition Officer determined meager amount of compensation in respect of land of the present applicants. Under award dated 06.04.1999 the amount of compensation was enhanced by the Reference Court vide its judgment and decree dated 27.02.2014. On 27.02.2018 this Court passed an order in Civil Application No.8468/20178 and stayed the effect and operation of impugned judgment and award on condition that the acquiring body/appellants should deposit entire amount of compensation before this Court accordingly, the acquiring body deposited the said amount. Since the land of the applicants in both the appeals are being acquired, therefore it will be just and proper to permit these applicants to withdraw 50% of compensation amount on

furnishing undertaking to the satisfaction of the Registrar (Judicial) of this Court, with an undertaking that in case amount of compensation is varied or modified in that event they would re-deposit the said amount before this Court within a period of two months. Both the civil applications are disposed of.

[Y.G. KHOBRADE, J.]