



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

CIVIL APPLICATION NO. 2936 OF 2024 IN FAST/8480/2022

MADHUKAR S/O NIVRUTTI ANDHALE

VERSUS

THE STATE OF MAHARASHTRA THR COLLECTOR, BEED

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Advocate for Applicant : Mr. Suhas R. Shirsat

AGP for Respondents No.1 and 2 : Mr. P. D. Patil

Advocate for Respondent No.3 : Mr. B. R. Survase

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CORAM : S. G. MEHARE, J.

DATE : 26-04-2024

PER COURT :-

1. Heard the learned counsel for the applicant and learned counsel for respondent No.3 and learned A.G.P. for State.

2. Learned counsel for respondent No.3 opposed the application contending that the compensation has been enhanced more than ten times of the compensation determined by the Special Land Acquisition Officer. He submits that the impugned award has been passed, based upon opinion of the Expert. The valuer did not issue notice to respondent No.3, while visiting and inspecting the field. Therefore, the applicants may not be allowed to withdraw the entire amount.

3. *Per contra*, the learned counsel for the applicant submits that the Reference Court has specifically observed that

respondent No.3 failed to produce the material on the basis of which the Special Land Acquisition Officer had valued the land and fruit bearing trees. *Prima facie*, it appears that there is a vast difference in compensation granted in two awards. However, fact remains that there were fruit bearing trees too in the acquired land. Therefore, to maintain the balance between the interest of all, the following order is passed;

ORDER

- i) The application is partly allowed.
- ii) The applicant is permitted to withdraw 60% of the amount with proportionate interest deposited with this Court, on furnishing undertaking that he would deposit the amount, if the impugned judgment and award is reversed.
- iii) The balance amount be invested in the fixed deposit in any Nationalized bank as per rules.

(S. G. MEHARE)
JUDGE

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