



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 CIVIL APPLICATION NO. 3530 OF 2024
IN FA/4628/2023
WITH
CIVIL APPLICATION NO. 13861 OF 2023
IN FA/4628/2023

Chandar Hariba Gore

VERSUS

The State Of Maharashtra Thorough The Collector And Anr

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Advocate for Applicant : Mr. P.B. Rakhunde

AGP for Respondent No. 1-State : Mr. Mrs. A.S. Mantri

Advocate for Respondent No. 2 : Mr. K.P. Rodge h/f. Mrs. Geeta L.
Deshpande

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CORAM : KISHORE C. SANT, J.

Dated : June 13, 2024

PER COURT :-

1. Heard the learned advocates for the parties.
2. Civil Application No. 3530/2024 is filed by the applicant/original claimant for withdrawal of amount deposited by the Acquiring Body/appellant in this Court.
3. The learned advocate for the applicant submits that the learned Trial Court Judge has awarded amount at the rate of Rs.1268/- per R. for non irrigated land. This amount is arrived on the basis of judgment and award passed by the Reference Court in LAR No. 25/2004. He submits that the Acquiring Body has not challenged the judgment in LAR No. 25/2004 and entire amount is disbursed. He submits that in the present case also, it is desirable to allow the applicant to disburse the entire amount.
4. The learned counsel for Acquiring Body vehemently opposes the

prayer. He states that LAR No. 25/2004 was in respect of different land situated at different village. The notification by which the land under LAR No. 25/2004 was acquired is also different and there is gap of one year between the two notifications. He submits that thus, the judgment in LAR No. 25/2004 is wrongly relied upon by the Reference Court in the present case. He, thus, prays for rejection of the application.

5. Considering the fact that the learned Reference Court has relied upon the judgment in LAR No. 25/2004, assuming that there would be change in the rates because the land is situated in another village and that there is gap of one year between the two notifications, this Court finds that difference in the rate in LAR No. 25/2004 and in the present case will not be much. This Court is, therefore, inclined to allow the applicant to withdraw 50% of the amount deposited by the Acquiring Body in this Court along with the accrued interest on furnishing undertaking that in case the appeal is allowed, the applicant will re-deposit the said amount along with interest within twelve weeks from the date of said judgment. Applicant is allowed to withdraw 25% of the amount on furnishing security to the satisfaction of the Registrar of this Court. Remaining 25% amount be deposited in the fixed deposit and be renewed from time to time till the disposal of the appeal. Civil Application stands disposed of.

(KISHORE C. SANT, J.)

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