



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

32 CIVIL APPLICATION NO. 5474 OF 2024
IN FA/1856/2023

EKNATH S/O GAININATH DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA THROUGH, SUB-DIVISIONAL
OFFICER AND ANR

...

Advocate for Applicant : Mr. Rodge Suresh N.
AGP for Respondents/State : Mr. V.M. Chate
Advocate for Respondent No. 2 : Mr. M.C. Swami

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CORAM : KISHORE C. SANT, J.

DATE : 21st JUNE, 2024.

PER COURT :

1. Heard the parties.
2. This Application is fled for withdrawal of the amount of compensation deposited by the Acquiring Body in this Court.
3. Learned Advocate for the applicant has placed on record a copy of order dated 19.05.2024 passed in Civil Application No. 3686 of 2024 in First Appeal No. 1857 of 2023.

4. By way of said order, this Court had allowed the applicant therein to withdraw 50% of the amount on furnishing usual undertaking and on withdrawal of 25% of the amount on furnishing solvent surety/security.

5. Learned Advocate for the Acquiring Body opposes the application. He submits that in case in Civil Application No. 3686 of 2024 this Court has enhanced the amount of compensation by six (6) times, whereas, in the present case the Court has enhanced the amount by twelve (12) times of the award passed by the learned MACT.

6. Considering the above submission, this Court finds that though the amount is enhanced by twelve (12) times the amount awarded by the SLAO i.e. it is well settled that while awarding the compensation the awards needs to be passed by giving uniform rate for similar kind of land in one proceedings.

7. Though the enhanced amount appears to be exorbitant, in view of the above position, this Court prima-facie

finds that the amount cannot be said to be exorbitant. Hence the following order :

ORDER

- a) The application is allowed and disposed off.
- b) The applicant is allowed to withdraw 50% of the amount of the deposited amount alongwith accrued interest by furnishing usual undertaking.
- c) The applicant is allowed to withdraw 25% amount of the deposited amount alongwith accrued interest by furnishing solvent surety/security to the satisfaction of the Registrar, (Judicial) of this Court.
- d) Remaining 25% of the amount be kept in Fixed Deposit, in any Nationalized Bank to be renewed periodically till the disposal of the appeal.

**(KISHORE C. SANT)
JUDGE**

mahajansb/