



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

974 CIVIL APPLICATION NO. 5349 OF 2024
IN FA/966/2013 WITH
CIVIL APPLICATION NO. 5350 OF 2024 IN
FA/2579/2021

Annarao Namdeo Biradar

....Applicant

VERSUS

The State of Maharashtra & another

.....Respondents

.....

Mr. G. K. Sontakke, Advocate for Applicant.

Mr. B. A. Shinde, AGP for the State.

CORAM : R. M. JOSHI, J.

DATE :20th JULY, 2024.

PER COURT :

1. This application is for withdrawal of amount of compensation deposited in this Court by the Appellant in connection with compulsory acquisition of land of Applicant.

2. Learned counsel for applicant/original respondent states that appeal is not maintainable in view of Government Resolution dated 03.11.2016 whereby challenge to the enhancement of compensation within four times is prohibited. He further points out that the SLAO has directed Rs.440/- per R as compensation which has been enhanced to Rs. 1,700/- per R. It is his contention that since appeal itself is not maintainable, the entire amount deposited be allowed to be withdrawn.

3. Learned counsel for acquiring body/appellant opposes the said contention.

4. This Court does not agree with the contention of learned counsel for the appellant that the Government Resolution dated 03.11.2016 would not apply to the present case. Thus, there is no question of not permitting the original respondents/applicants to withdraw the amount deposited with accrued interest.

5. In view of above, applications are allowed in terms of prayer clause 'B'

(R. M. JOSHI)
Judge

dyb