



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

**15 CIVIL APPLICATION NO. 5332 OF 2024
IN FA/822/2023**

MAHADU MAHARU RATHOD DIED THR L.RS
GYARASABAI W/O MAHADU RATHOD AND ORS
VERSUS
THE SPECIAL LAND ACQUISITION OFFICER,
JAIKWADI PROJECT 1 AURANGABAD

...

Advocate for Applicant : Mr. Vikas G. Kodale, h/f Mr. V. D. Gunale.
AGP for Respondent / State : Mr. P. D. Patil.

...

AND
**CIVIL APPLICATION NO. 16352 OF 2022
IN FA/822/2023**

THE SPECIAL LAND ACQUISITION OFFICER
JAIKWADI PROJECT NO 1 AURANGABAD
VERSUS
MAHADU MAHARU RATHOD DIED THR LRS

...

Advocate for Applicant / State : Mr. P. D. Patil.
Adv. for Respondent Nos.1 to 3 : Mr. Vikas G. Kodale, h/f Mr. V. D. Gunale.

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CORAM : **KISHORE C. SANT, J.**

DATE : 03rd December, 2024.

P.C.:

. Heard the learned counsel for the parties.

Application for stay:

2 Since the amount is deposited in this Court pursuant to the
impugned judgment and award, there shall be stay to the impugned
judgment and award till final disposal of the appeal. The application

stands disposed of.

Application for withdrawal of amount:

3 This application is by the claimants for withdrawal of the amount deposited by the State.

4 The present applicants are the heirs of original claimant Mahadu S/o Maharu Rathod.

5 The learned AGP points out that in this case, the amount enhanced by the learned Reference Court is exorbitant. The SLAO had awarded the compensation @ R.362.25 per R, whereas the Reference Court has enhanced the amount @ Rs.5,866/- per R. He thus, vehemently opposed the application.

6 Considering that the amount of enhancement is more than 8-9 times more than the amount awarded by the SLAO, this Court finds that it would not be safe to allow the applicants to withdraw the entire amount. In view of the same, the following order is passed:-

ORDER

- I. The applicants are permitted to withdraw only 50% of the amount alongwith accrued interest deposited in this Court on furnishing usual undertaking. The remaining amount be kept in fixed deposit in any nationalized bank till disposal of the appeal.

- II. With this, the civil application for withdrawal of amount stands disposed of.

[KISHORE C. SANT, J.]

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