



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

CIVIL APPLICATION NO. 7983 OF 2023 IN FAST/10152/2021

APPARAO BALWANT MANE (DIED) THR LRS PRATAP APPARAO MANE
AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA, THROUGH THE COLLECTOR,
OSMANABAD AND OTHERS

...

AND/WITH

CIVIL APPLICATION NO. 7985 OF 2023 IN FAST/10316/2021

CIVIL APPLICATION NO. 7984 OF 2023 IN FAST/10327/2021

CIVIL APPLICATION NO. 7982 OF 2023 IN FAST/10323/2021

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Advocate for Applicants/claimants : Mr. Ajeet B. Kale
AGP for Respondents No.1 and 2 : Mrs. R. R. Tandale (Choure)
Advocate for Respondent No.3/appellant : Mr. Mukul S. Kulkarni

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CORAM : S. G. MEHARE, J.

DATE : 25-01-2024

PER COURT :-

1. Heard the learned counsel for the applicants/claimants and the learned counsel for respondent No.3/acquiring body.
2. The applicants have lost their houses in acquisition. Paragraph No.25 of the award shows that a small amount of compensation for their houses was determined.
3. Learned counsel for the applicants/claimants submits that the amount which was determined by the Special Land Acquisition Officer was also directed to be deducted from the assessment done by the learned Reference Court. So, the amount is very meager. Therefore, the applicants are entitled to withdraw 75% amount from the deposited amount with this Court.

4. Learned counsel for respondent No.3/acquiring body submits that the Reference Court incorrectly assessed the valuation. The valuation of the acquired properties by expert were done without notice to them. The learned Reference Court awarded exorbitant compensation. Hence, the applicants may not be allowed to withdraw 75% of the deposited amount.

5. Perused the impugned award.

6. A few applicants who have lost their houses got hardly the compensation of Rs.5 Lakh. In most of the cases, it was below Rs.3 Lakh. After deducting the amount of compensation determined by the Special Land Acquisition Officer, it would go down. Therefore, the applicants are entitled to withdraw 75% of the amount deposited with the Court. Hence, the order;

- i) The civil applications are partly allowed.
- ii) The applicants are permitted to withdraw entire 75% of the amount deposited with proportionate interest accrued thereon to date, on furnishing usual undertaking to the satisfaction of the Registrar (Judicial) of this Court that they will deposit the amount, if the impugned awards are reversed.

(S. G. MEHARE)
JUDGE

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